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MESSAGES AND PROCLAMATIONS

OF THE

GOVERNORS OF IOWA

STATE HISTORICAL SOCIETY
IOWA

THE

MESSAGES AND PROCLAMATIONS

OF THE

GOVERNORS OF IOWA

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PREFACE

This volume of the "Messages and Proclamations of the Governors of Iowa" includes the messages and proclamations of but two Governors—William Milo Stone and Samuel Merrill. The administration of Governor Stone (1864–1868) witnessed the close of the Civil War and the inauguration of peace. It was during the administration of Samuel Merrill (1868–1872) that the new era of prosperity began, and his messages suggest the great industrial progress which followed the return of peace.

BENJ. F. SHAMBAUGH

IOWA CITY, 1903

CONTENTS

GOVERNOR WILLIAM MILO STONE

PAGE
BIOGRAPHICAL SKETCH - - - - - - - - - 3
FIRST INAUGURAL - - - - - - - - 5
FIRST BIENNIAL MESSAGE - - - - - - - 31
SECOND INAUGURAL - - - - - - - - 65
SECOND BIENNIAL MESSAGE - - - - - - - 90

VETO MESSAGES

To the Senate - - - - - - - - 132
To the Senate - - - - - - - - 133
To the Senate - - - - - - - - 133

SPECIAL MESSAGES

To the Senate and House of Representatives - - 135
To the House of Representatives - - - - 139
To the House of Representatives - - - - 157
To the Senate - - - - - - - - 163
To the Senate - - - - - - - - 164
To the Senate - - - - - - - - 165
To the House of Representatives - - - - 170
To the House of Representatives - - - - 172
To the House of Representatives - - - - 172
To the House of Representatives - - - - 173
To the Senate - - - - - - - 175
To the Senate - - - - - - - - 188
To the House of Representatives - - - - 192
To the Senate and House of Representatives - - 192
To the Senate and House of Representatives - - 193
To the Senate and House of Representatives - - 197
To the House of Representatives - - - - 205

PROCLAMATIONS

On Election to Fill a Vacancy in the Senate - - 207
A Final Appeal for Volunteers - - - - 208

PROCLAMATIONS PAGE
Prohibiting Citizens from Removing from the State - 211
Revoking Certain Commissions - - - - - 213
Calling for Volunteers - - - - - - - 214
Revoking Certain Commissions - - - - - 215
Relative to Refugees, Guerrillas, and Bushwhackers - 216
Offering a Reward - - - - - - - 219
On the General and Special Elections - - - - 220
Offering a Reward - - - - - - - 223
On Thanksgiving - - - - - - - 224
Relative to Deserters - - - - - - 226
On the Death of Abraham Lincoln - - - - 228
On the General Election - - - - - - 229
On Thanksgiving - - - - - - - 230
On Election to Fill a Vacancy in the Senate - - 232
On Election to Fill a Vacancy in the Senate - - 233
On the General and Special Elections - - - 234
On Thanksgiving - - - - - - - 237
On the General and Special Elections - - - 239
On Thanksgiving - - - - - - - 240
On Election to Fill a Vacancy in the Senate - - 242
On Election to Fill a Vacancy in the House of Representatives - - - - - - - 243

GOVERNOR SAMUEL MERRILL

BIOGRAPHICAL SKETCH - - - - - - - - 247
FIRST INAUGURAL - - - - - - - - 249
FIRST BIENNIAL MESSAGE - - - - - - - 262
SECOND INAUGURAL - - - - - - - - 324
SECOND BIENNIAL MESSAGE - - - - - - - 331
VETO MESSAGES
To the Senate - - - - - - - - 386
To the Senate - - - - - - - - 387
Veto Deposited with the Secretary of State - - 389
Veto Deposited with the Secretary of State - - 391
Veto Deposited with the Secretary of State - - 392
Veto Deposited with the Secretary of State - - 393

Special Messages

PAGE
To the Senate - - - - - - - - 395
To the House of Representatives - - - - 395
To the Senate and House of Representatives - - 396
To the Senate - - - - - - - - 403
To the Senate - - - - - - - 404
To the Senate - - - - - - - - 405
To the House of Representatives - - - - 406
To the Senate - - - - - - - - 407
To the Senate - - - - - - - - 408
To the Senate - - - - - - - - 410
To the Senate - - - - - - - - 411
To the Senate - - - - - - - - 413
To the General Assembly - - - - - 413
To the Senate and House of Representatives - - 417
To the Senate and House of Representatives - - 418
To the Senate and House of Representatives - - 425
To the Senate and House of Representatives - - 431
To the Senate - - - - - - - - 435
To the Senate and House of Representatives - - 435
To the Senate and House of Representatives - - 437
To the Committee of the House of Representatives - 440
To the Senate and House of Representatives - - 440
To the Senate and House of Representatives - - 441

Proclamations

Offering a Reward - - - - - - - 443
Offering a Reward - - - - - - - 444
On the General Election and the Submission of Amendments to the Constitution - - - - - 445
On Thanksgiving - - - - - - - 448
Declaring the Vote on Amendments to the Constitution and Proclaiming Their Adoption - - - 450
Offering a Reward - - - - - - - 453
On the General and Special Elections - - - 454
On Thanksgiving - - - - - - - 456
Offering a Reward - - - - - - - 458
On Election to Fill a Vacancy in the Senate - - 459
On Election to Fill a Vacancy in the House of Representatives - - - - - - - - 460

PROCLAMATIONS PAGE

On the General and Special Elections - - - 461
On Election to Fill a Vacancy in Congress - - - 464
On Thanksgiving - - - - - - - 465
Offering a Reward - - - - - - - 467
On the General and Special Elections - - - 468
Offering a Reward - - - - - - - 470
On Thanksgiving - - - - - - - 471

GOVERNOR WILLIAM MILO STONE

BIOGRAPHICAL SKETCH

William Milo Stone, the sixth Governor of the State of Iowa, was born in Jefferson County, New York, on October 14, 1827. At the age of six years he removed with his parents to Coshocton County, Ohio. Here he worked on a farm, then on a canal, and finally at the chair-maker's trade. He studied law in the meantime, and was admitted to the bar. Soon after his admission to the bar he formed a partnership with James Matthews, whose daughter Caroline he afterwards married.

In 1854 Mr. Stone came to Iowa and settled at Knoxville in Benton County. Here he edited the *Knoxville Journal*. In 1856 he attended the convention which was held at Iowa City in February for the purpose of organizing a Republican party in Iowa. At that convention he was nominated as a Presidential elector by the new party. In 1857 he was chosen District Judge; and in 1858 he was elected District Judge of the new Sixth District.

When the Civil War broke out Mr. Stone resigned from the bench, raised a company of troops, and was later appointed Major of the Third Iowa Infantry. At the battle of Shiloh he was taken prisoner. After several months he was released on an exchange of prisoners. On May 6, 1863, he was commissioned Colonel of the Twenty-second Iowa.

At the battle of Vicksburg on May 22, 1863, he was wounded. He then returned home on a furlough; and on

June 17, 1863, he attended the Republican State convention carrying his wounded arm in a sling. At this convention Mr. Stone was nominated for the office of Governor. He was elected in the fall of 1863. Two years later (1865) he was reëlected to the same high office.

In 1889 Mr. Stone was appointed Assistant Commissioner of the General Land Office at Washington, D. C. Later he was promoted to the position of Commissioner. When he retired from this position he went to Oklahoma, where on July 18, 1893, he died at Oklahoma City. He was buried at Knoxville, Iowa.

FIRST INAUGURAL

January 14, 1864

From the Journal of the House of Representatives, p. 42

Gentlemen of the Senate and House of Representatives:

Assuming the Executive office, at a momentous period in public affairs, I have taken the oath prescribed by the Constitution, under a full sense of the grave obligations imposed. Profoundly grateful for the confidence of a generous and patriotic people, and with humble reliance on Him who has guided us through many trials, I shall endeavor to meet their just expectations, by an earnest and faithful discharge of the duties assigned me.

The duty of communicating to the General Assembly the condition of the State, as required by the Constitution, and recommending such measures as may be deemed expedient, for legislative action, more properly belongs to the out-going Executive, whose official connection with the affairs of government, for a term of years, has afforded him the benefit of that observation and experience, necessary to a proper understanding of the various measures demanded by the general welfare.

The recent message of my predecessor furnishes you the necessary information, concerning the condition and affairs of the State, during his official term; and is so specific in its recommendations that I need do but little more, on this occasion, than express my concurrence in the suggestions therein contained, and ask for them your favorable consideration.

Representing, as you do, the different portions of the State, and being conversant with their wants and interests, your aggregated information, and joint counsels, will enable you to perceive, and readily comprehend, every material subject which may demand your action. In our zeal to advance the public interests, however, we should bear in mind, that multiplicity of legislation, is neither wise nor expedient. Innovation is not always reform. And experience has abundantly demonstrated, that the utility of laws, to a great extent, depends upon their certainty; and that frequent changes in established rules, are a source of great inconvenience, and productive of less good than mischief.

The subjects of finance and revenue, common schools, militia, currency, the practice of the courts, and county government, are of primary importance to the State, and should receive a liberal share of your attention. But the various laws now in force upon these subjects, have been so long in operation, and so thoroughly tested, that their defects, if any exist, will be readily perceived. I would recommend extreme caution in their consideration, and advise no change in any of them, unless demanded by obvious utility and sound experience.

From various sources, my attention has been earnestly invited to what, in the opinion of many, are cogent reasons for changing our present form of County government. The Supervisor system, created by Act of the Eighth General Assembly, has failed to command that general satisfaction which its advocates predicted and desired. The objections urged against it are quite numerous, and, apparently, substantial in their character. Those who desire a change, express their preference for the Commissioner system, which has prevailed so long, and operated successfully, in many of the older States, and if, after due investigation, any change may be deemed advisable, I would recommend this system to your consideration, as being the most simple, and practical, of any that could be adopted. I cannot assume the responsibility of recommending a change; for the reason that my observation of the present system has been much too limited to justify me in entertaining a satisfactory opinion as to the soundness of the objections urged against it, and I therefore commend the entire subject to your earnest and considerate attention.

Your attention is invited to the expediency of abolishing the Board of Education, created in Article 9, of the new Constitution. This Board, in the sessions already held, has accomplished much valuable labor, and to it are we mainly indebted for the framework of our present admirable system of Common Schools, which needs but little additional legislation, to render it sufficiently comprehensive to meet the demands of our educational interests for many years to come. It is now thought the period has arrived, when this Board is no longer required; and, that it can be abolished without detriment to the public service. The framers of the Constitution evidently contemplated, that after its labor, in maturing a permanent and satisfactory system of schools, should be completed, its utility, as a separate department, would terminate. In view of this contingency, the 15th Section of said Article, confers upon the General Assembly the power, after the year 1863, to abolish or reorganize the Board, and to provide for the educational interests of the State, in any other manner that to them shall seem best and proper. Should you concur in the expediency of this measure, it will become necessary to create the office of Superintendent of Public Instruction, in order that the important duties now devolving upon the Secretary of the Board, may be transferred to and performed by an appropriate officer.

I desire to invoke the earnest attention of the General Assembly, to the necessity of providing additional means for supporting the families of the deserving men who are absent, in the public service. Many of these men, in limited circumstances when they volunteered, have no means of supporting their families, except the scanty wages received from the Government; obviously inadequate, under the present high rates of living, to properly maintain a soldier, and meet the legitimate wants of his family.

I am aware that, at the Special Session of the General Assembly, in 1861, an Act was passed empowering the Boards of Supervisors to appropriate money out of the County Treasuries, for the support of soldiers' families within their respective counties. But, I regret the necessity which compels me to say, that this highly commendable and patriotic enactment, has signally failed to accomplish the object intended. In counties where a majority of the Supervisors are friendly to the Union, and the prosecution of the war, this relief has been furnished to a liberal extent; but in many others, where that majority is with the opposite party, they have persistently refused to appropriate a single dollar to this humane and Christian purpose.

In considering the question, we should not confine ourselves to the theory adopted by some, that this is a mere county matter, and, therefore, not the appropriate subject of State action. From whatever county the man enters the service, he becomes a soldier of the State, fighting for one county as well as another, and has an equal claim upon the generosity and gratitude of all our people. In the absence of an adequate law, providing relief for these meritorious families, out of the public revenue, these burthens, necessarily, fall upon a few liberal and patriotic individuals in each community. This is clearly wrong, and should not be permitted. None should be allowed to escape this imperative public and patriotic duty. Every individual in the State should be required to contribute, for this purpose, his full share, in proportion to the amount of his taxable property. I, therefore, earnestly recommend that a liberal appropriation be made for this purpose, out of the State revenue; to be disbursed through the agencies of the State Sanitary Commission, in such manner as you may deem it wise to direct. This Commission, recently organized, and incorporated, has acquired a responsible character, and enjoys, as it should, a full degree of public confidence.

By such an Act, we shall seal, in perpetual memory, the gratitude so eminently due to exalted patriotism, and unrivaled valor.

The soldiers of Iowa need no eulogy now to secure for their deeds the admiration of history. Their unselfish devotion to the cause of the country; their patient endurance of the untold hardships incident to service in a distant and strange climate; and the sturdy heroism they have illustrated on so many fields, have given to our young State a record of valor as imperishable as the bloody annals of the war; and aided, in securing for our common country, a fame co-extensive with the civilized world. On every battle ground from Wilson's Creek, where, amid the deadly hail of an unequal contest, they rallied 'round the heroic Lyon, and freely mingled their blood with his, to the gory mountain heights and passes in front of Chattanooga, and the *now* glorious field of Chickamauga, the Flag of Iowa has been borne by brave hands to triumphant victory. Where all have done so well, to particularize would be invidious; and I could not name all who are entitled to honorable mention for noble and valorous deeds, without calling the entire muster rolls of Regiments, Battalions and Batteries. Impartial history will attest the significant fact, that no great battle has yet been lost, in which Iowa troops were engaged; and none gained, on western fields, in which they have not borne a conspicuous part. Among the first in the field, and ever to the front, their numberless graves are scattered from the plains of Texas to the banks of the Cumberland, and from the shores of lake Michigan to the waters of the Gulf—sad, yet truthful witnesses of how bravely they fought and nobly died.

Fathers and sons, husbands, brothers and friends, sleep in those narrow tenements, far from their beloved Iowa; but enshrined in the hearts of a grateful people, their memories, like the unfading laurel, will survive the dreary winters of coming time.

Contemplating the condition and affairs of our own State, let us not be unmindful that our common country is still involved in cruel and relentless war. The god of ambition is yet unappeased, and the demon of civil strife is making sad havoc in the land. The great struggle for the integrity of the Union and the preservation of the National Government is yet to be decided. After a trial of nearly eighty years, embracing the most comprehensive experience, and affording ample proofs of its power, utility and beneficence, the existence of this unrivaled Government is committed to a bloody conflict between its own citizens.

The constitutional right of a State, or any number of States, to withdraw from the Union, is no longer a practical question for discussion. If that right be conceded, the action of the Federal Government, in compelling obedience to its laws, is indefensible, and the war, on our part, clearly wrong. The determination of that question was preliminary to war, and to any effort by the Government to reduce the seceding States to submission.

In the absence of a constitutional right to dismember the Union by secession, the attempt was treason and insurrection, which the President of the United States, under the solemn obligations of his oath, was as much bound to suppress, as he would have been to repel an invasion of our soil by a foreign enemy. Existing laws, adopted in the early years of the Republic, clothed him with ample authority over the subject, and made his duty imperative. In promptly meeting the aggressions of treason, and placing the Government in a state of defence against this long projected, and wicked rebellion, he fulfilled the just demands of the Nation, and entitled himself to the lasting gratitude of mankind.

For nearly three years, this deplorable war, inaugurated by the mad ambition, and treason, of Southern men, has progressed with its varied results. Though disasters have sometimes overtaken our advancing columns, the triumphs which have crowned their heroic efforts, in the glorious cause of the country, have far outweighed all the reverses they have sustained. We have penetrated the insurgent country from almost every point, by land and sea, and rescued from their grasp the most productive and populous States of the South. Today the ancient Flag of the Union floats triumphantly over the soil of every rebel State, and waves from the battered walls of Sumter, back, as far as the serpent of rebellion can be traced.

The rebel armies, defeated and demoralized, are being rapidly driven to a common centre; their currency worthless, and their credit gone; their pretended jurisdiction reduced to nearly one-third of its original limits, and a surplus population crowded within them to subsist upon their meagre harvests; impending death, or exile, to the leaders, ruined fortunes and desolated homes to the unwilling masses —this is the end of treason, and the doom of traitors!

Supported, and elected by the loyal and patriotic people of Iowa, in a contest presenting the grave questions which here, as elsewhere through the loyal States, alone pervaded the public mind and determined the result of the recent elections, I but discharge a plain duty to them, when I express the convictions of my own mind, upon the portentous issues yet to be decided by the valor of our arms. While entertaining a profound respect for the opinions of all loyal men, in whatever locality they may be found, I am aware of no rule requiring deference to the opinions of their enemies, or of any obligation I am under to consult their views, or wishes, in the discharge of my official duties.

There is no longer any middle ground where loyal men can stand, and find refuge from the stern, and positive obligations of the hour. The times are fraught with mighty events, involving the welfare of the present and future generations, and impose the most solemn duties upon every patriot in the land. It is not the mere domination of a political party, nor territory, nor empire; but liberty, and the eternal principles of natural justice, born of God and, under Him, established on this Continent by our fathers, which are staked upon the issue of the struggle.

It needs no words of mine to show that the vigorous and successful prosecution of this war is *life* to the Republic, while to hesitate for a single hour, upon any pretext whatever, or stop short of the unconditional recognition of Federal authority by all the revolted States, would be but a hollow truce, and *death* to our unity and Nationality.

Great and holy interests are involved in the contest. There is no longer any hope of their preservation by the ordinary modes of adjustment. They are therefore, to be saved or lost, by the arbitrament of battle. In the terrible ordeal through which we are passing, many old conditions are likely to be rejected, and some things which have been, may not be again; but the patriotic heart may find reasons for its faith, that all such as are good and substantial will be retained and consecrated in the new life of the Nation. Let us hope that enemies in the disguise of friends, will never again occupy the high places of power; that the people's Treasury will not again be robbed by official hands, their arms, their arsenals and fortifications turned against their own Government; that the blighting curse of Human Slavery will no longer receive protection by the statutes of the land, nor exist in any form under the National Flag; and that traitors may never again sit in the Council Chambers of the Nation, nor plot their treason beneath the dome of its Capitol. Let us pray to a righteous God that such scenes may never stain the coming annals of the Republic, and if need be that the havoc of bloody, desolating war, may abate not until the day of regeneration shall come.

The events of the hour, grand and irresistible in their course, are rapidly hastening to their legitimate results. He who disposes while man struggles, and proposes, has pronounced His imperial decree.

Those who hesitate now to yield an unreserved support to the Federal Government, or fail to sustain its constituted authorities, unmistakably array themselves on the side of its enemies, and will be so recorded in the history of the times. If treason is crime, to sympathize with traitors is also clearly criminal. While there is treason in the heart, the man can not be truly loyal, and we know not how soon his hesitating courage may nerve him to commit the overt act. The line of demarkation between loyalty and treason, is plainly defined, and exceedingly narrow.

Obvious as these considerations are to all discerning minds, it is a painful reflection, that there exists a faction, in the Northern States, which has persistently opposed the action of our Government in its efforts to subdue the Rebellion, and clamored for peace upon any terms. While professing to be loyal, the members of this faction have given strength and courage to traitors, and by their conduct proved themselves the most insidious, and dangerous foes of the Union. Recent events, however, have demonstrated the continued attachment of the patriotic masses of all parties, to the perpetuity of our free institutions; and shown that they cannot be deceived by mere pretences of loyalty, or misled by the cry of peace, when there is no honorable or permanent peace, short of vigorous and successful war.

Systematically opposing every measure yet devised, for a successful prosecution of the war, and having no mode of their own for an honorable solution of existing troubles, these malcontents seek to justify their course by creating a distinction between the Government and its Administration; confronting us with the novel doctrine that the Government is the Constitution and the institutions founded thereon, while the Administration is merely the agents chosen by the people, and responsible to them. Assuming to act upon this theory, they claim the right to oppose the latter, while pretending to support and maintain the former.

This dangerous paradox is a fit companion of the doctrine of "States Rights," which held the American Union to be only a league between sovereign States, dissolvable at their will; and that the citizen owed a paramount allegiance to his State, and only a subordinate one to the Federal Government. A doctrine which, although denounced by the stern old leaders of democracy, as destructive of the Union, yet succeeded in diffusing its subtile poison through the Southern mind, and, finally, culminated in the crime of treason.

It needs but a word of refutation. I do but adopt the idea of a great writer, when I say, that our free, written Constitution is not government, but the warrant and representative of Government. It is not power, but the symbol of power, and will, in any emergency, prove altogether useless, unless the power for which it stands be forthcoming. Where does this power reside? Not in the Constitution, nor in any of the co-ordinate departments created by it; nor in the people, but in all combined. These constituent elements compose the Government, the powers of which are exercised through its constitutionally appointed agents, the legislative, executive and judicial departments. Without these, the powers defined in the Constitution could not be appropriately exercised; and without them, it is obvious, we should have no Government. Therefore, to strike at any of these, is to injure the Government itself to the full extent of the blow.

The President of the United States, for the time being, is the Supreme Executive of the Nation, the chosen agent of the people, the pilot who guides the ship of State. The liberty of speech, and of the press, guarantied by the Constitution, is formidable only to the enemies of Liberty, in its broader and more extended sense. The right to freely discuss the affairs of Government, and criticise the acts of its agents, is fundamental to liberty, and cannot safely be denied.

To all this I fully subscribe. But the right claimed by some, to oppose the execution of the laws, and, by factious opposition, to thwart the President in the discharge of his high duties, at so important a juncture, is subversive of all liberty, and a right which belongs to treason only.

Again, the war policy of the Government has been continuously denounced, as subversive of the rights of the South, and in violation of the Federal Constitution. It is reasonable to presume that these men have either forgotten, or never known, that Abraham Lincoln is not only President of the United States, charged with the execution of *civil* power, but also Commander-in-Chief of the Army and Navy of the Union, and thereby clothed with the *war* power of the Government. In the exercise of his civil functions, he is guided by the plain language of the Constitution, which defines the limits of his power, and beyond this he cannot go; but in the discharge of his duties as Commander-in-Chief, in time of war, he is governed only by the laws of war, as recognized among civilized nations, and such other restrictions as Congress and the people may impose. Deriving his authority by appointment of the Constitution, he is thereby vested with all the power which rightfully belongs to the Commander-in-Chief of any other army upon the face of the Globe. This extraordinary power, it must be understood, is called into exercise only from a state of war, and cannot be exerted in time of peace.

By his oath of office, the President is sworn "to the best of his ability, to *preserve*, *protect* and *defend* the Constitution," and in the discharge of this solemn obligation, he may rightfully exercise all the power inherent in the people, whose agent he is; and that he may do this, they have made him Commander-in-Chief of their army and navy, and the Constitution is the warrant of his appointment. To hold, that when called upon to "preserve, protect and defend the Constitution, to the best of his ability," he is restricted to the mere letter of his civil authority, is to deprive him of the very means of discharging that high duty, and make the Constitution, thereby, the weapon of its own destruction.

The Constitution is neither a war-making nor a war-prosecuting document. It empowers Congress to declare, and the President to prosecute war, as the honor of the nation and the exigencies of the case may demand. It undertakes neither to inform Congress when, or in what case war may be declared, nor the President the manner of carrying it on. Having made them judges of the situation, it leaves the details of war to their intelligent patriotism and sound discretion.

Wherein has the Constitution been violated, and whose rights have been subverted by the Federal Government? The loyal States have no reason to complain, and do not, for the people thereof having said, at the beginning, that the rebellion should be put down, become a party to the war; and after a long hearing, and full understanding of the case, they have returned a verdict, magnificent and overwhelming in its proportions, that the Administration was *not guilty* of the charges preferred against it. The people of the insurgent States have no right to complain; for, having renounced their allegiance to the Constitution, levied war against it, adopted a Constitution and government of their own, and claiming recognition as a separate and independent sovereignty, they have assumed the attitude of belligerents to the Federal Government, and thereby acknowledged themselves entitled only to belligerent rights. Every right which, as citizens of the United States, they possessed under the Constitution, has been voluntarily abandoned, and forfeited, by the rebellion. These rights can not, and should not be restored to them, until they shall lay down their arms, submit to the jurisdiction of the Federal Government, and obtain pardon for their treason. In every sense of the term, they are enemies to the Constitution, to our Republican Government, to liberty and humanity, having but a single constitutional right left, that of being dealt with according to the laws of the land, for the atrocious crime they have committed. No other people or nation, upon the face of the earth, could have committed so high a crime against this government, and its flag. And now, while standing as the flagrant, deadly enemies of the Constitution, with their hands uplifted at the nation's throat, we are told that their Constitutional rights are unimpaired, and as substantial as when they were law-abiding and peaceful subjects of the Government. Thus we are asked to give immunity to crime, by exculpating the criminal.

As enemies and belligerents, to what rights are the insurgent States entitled? The Constitution being entirely silent upon this subject, we must resort for information, to the laws of war, as established and recognized among the nations of the world. The eminent writers upon this subject agree in saying, that in war we may do any act not forbidden by humanity or the laws of nature, which may harass or weaken our enemy. We may confiscate his property of every kind, and appropriate it to our own use, for the double purpose of diminishing his strength and augmenting our own. We may capture and detain his soldiers, and take their lives if we can, in legitimate combat. All this we are allowed to do, because it is a right which belongs to every nation at war, is derived *from* and attaches *to* a state of war. These well established and fundamental principles, have been recognized by our Government in its intercourse with other nations, sustained by repeated decisions of the Federal Courts, and never denied or doubted, except during the present war, by certain northern politicians, who have throughout, manifested more interest in the rebellion than love for the Union of these States. And it is proper here to remark that the character of belligerents, has been given to the insurgent States by the legislative and executive departments of the Government; that we have so treated them during the entire war, and that this action has been sustained by a late well considered opinion of the Supreme Court of the United States, in a case fully and fairly presented. This question may, therefore, be regarded as settled, so far as the action of this Government and people, can settle any question.

During the first months of this war, in common with what I believe to have been a decided majority of the people, both in and out of the army, I indulged the hope, and expressed the belief that it could be successfully terminated without a direct attack upon the local institutions of the South. The Government itself seems to have entertained the same view, for a remarkable tenderness characterized its dealings with traitors, and the war was prosecuted during the first year, with eminent success, upon the theory of doing the rebellion as little damage as possible. Bitter experience and observation, however, finally convinced me as it did others, that slavery was not only "the corner stone of the Confederacy," but was the *power* which sustained, and the motive which impelled the rebellion. Every negro that worked with a hoe, or drove a mule on a Southern plantation, was as much enlisted against the Union, as the soldier who served with his gun in the ranks of the rebel army; and more effectively so because the grain upon which our enemy subsists, renders him more formidable than his shells or his bullets.

Slavery stood like a mountain before the advance of our armies, and could neither be avoided or defied. It enabled the insurgents to place their entire militia force in the field against us, and added more than one-half to their available strength. While slavery existed, treason had power and object, and so long would the rebellion [be] continued, and the war be protracted.

At the commencement of this rebellion, the four millions of slaves inhabiting the Southern States, were peaceful and loyal subjects of this Government; owing allegiance to it, and amenable to its laws. And although they became the unwilling instruments of treason, yet their allegiance has not been and could not be dissolved. Upon this people, therefore, as its legitimate subjects, the Government had as high claims as it had upon the white population of the South. By State laws only, they were held as slaves, but this was in subordination to their status as subjects; for at any time the Government could have taken them from their masters, and punished them, like other men, for violation of its laws, and the fact that they were slaves would have been no defence. By no act, or deed has the Federal Government ever relinquished its sovereign claim upon this class of its people; and it could not have done so, with due regard to the peace and safety of the Union. No wise Government would permit a large and permanent population to reside within its limits, who are beyond its ultimate control. Whatever may be the character given them by mere local regulations, cannot effect the authority of the sovereign power over them. These people are not only denominated as *persons* by the Constitution, but they have so been treated by the Government, for all purposes, during its entire history. In all these respects, at least, the slaves were the equals of their masters; they could perpetrate the same crimes, be tried therefor by the same tribunals, incarcerated in the same prisons, and hung upon the same scaffolds. And while their masters commit atrocious treason against the Government which shelters all, have not these oppressed subjects a right to fight for it, and shed their blood in defense of its flag?

If by the offer of freedom we could induce these bond subjects to leave their treasonable masters, and return to their legitimate sovereign, whom they have never willingly offended, what principle of law or right would be thereby contravened? Has not any established Government an absolute right to exercise this sovereign authority over its own subjects? If it be alleged that this would be a violation of our faith with the Southern States, the conclusive answer is, that they had already violated theirs with us by attempting to dissolve the Union. We could as rightfully do this, as we could induce the soldiers in the rebel armies to leave their ranks and return to their allegiance, by the offer of a general pardon. And to deny that we can rightfully do either, is to hold that the individual claims of traitors, the rights and local regulations of insurgent States, are paramount to the sovereignty of the General Government.

The period at length arrived when, to insure success to our arms, and make the overthrow of the Rebellion a speedy and certain event, an effectual blow at this formidable element of rebel power was imperatively demanded. Our authority over the subject was broad and ample, and the necessity for the step no longer doubtful. Why hesitate to terminate the war, and save the Union, by losing slavery? It became obvious, that amid the throes of this mighty revolution, one or the other must go down. The Union and slavery cannot both be saved from the wreck, for the same power which rescues the one must inevitably crush the other. Which is the more valuable for preservation? After all its manifold crimes against liberty and humanity, against God and His holy laws, what claim has Slavery upon this Government for protection and perpetuity? To this reckoning had the Nation come on the first day of January, 1863.

I thank Almighty God, that at this momentous juncture, we had a man at the helm of this Government, who fully realized the situation, and possessed the sublime courage to perform his duty, and place the seal of condemnation irrevocably, and forever, upon this convicted criminal of mankind. The deed is done; the righteous judgment has been pronounced, and from his honest heart the author tells us, "it cannot be retracted." No earthly power can send back to slavery, these millions of freedmen; for between them and such power stand more than twenty millions of other men, to defend the broad seal which that proclamation bears.

In its diminished and attenuated form, slavery still lingers; but it is robed in the habiliments of the grave, waiting only for the rites of sepulchre. How these shall be performed the world may not care; for over its accursed remains the star of freedom shall forever shine, and the loud hosannas of an emancipated race be sung through all succeeding ages.

The victim of a morbid and treasonable ambition, slavery, has been murdered in the house of its friends. Upon them, not us, the responsibility of its death must forever rest. The Union as it was, the people of the North were willing to maintain and abide by; but, as the South have determined otherwise, it is our duty now, to insist upon the Union as it should be, and as our fathers intended it.

My ardent wish is, that this desolating war may speedily close, and the insurgent States resume their political rights in the Union.

That we may properly understand the theory of reconstruction, it is important to avoid a misapplication of the term. The rebellion having failed of success, the Union is not dissolved; and, therefore, the disorganized States, only, require to be reconstructed. Had they succeeded in achieving their separation, the Union, to that extent, would have been dissolved, and the question of reconstruction have presented a different aspect.

Having, by treason to the General Government, and the inevitable consequences of civil war, accomplished the destruction of their local organizations, and not their disseverance from the Union, they stand in the attitude of States, with their government subverted and overthrown. Reorganization, therefore, becomes an indispensable prerequisite to the resumption of their powers, and privileges as sovereign States in the Union. Without this, they have no appropriate medium through which their constitutional rights can be secured or exercised. They cannot choose Senators, or Representatives to Congress, participate in the election of a President, or enjoy any other regulation designed for the common benefit of the States. And it is only by means of State Governments, that they can perform the functions of States, and discharge the various obligations and duties they owe to the General Government. Until then, the people of these disorganized States must, from necessity, depend for protection upon the Federal Government, under the arm of its military power. But this theory by no means implies that these States must be reduced to a territorial condition, maintained, during their territorial minorage, under a Government provided for them, at the expense of the National Treasury, and be re-admitted into the Union as States. It simply means, what is obviously true, that they have State limits, territory and people, without the essential machinery of State Governments, which are the tests and means of their political existence.

Government represents, not merely land and certain defined territorial limits, but the people who established it, and who speak and act through it, as their political organ. These people, in consequence of their treason, having disqualified themselves for the exercise of political rights, and privileges, their State Governments have thereby become suspended, and must remain in abeyance, until this disqualification is removed by act of Federal authority.

Reduced to this condition, the provisional control over these States, until fully reorganized, and restored, is vested in the Federal Government; but when restored, it must be under governments which have emanated from their own people, under Constitutional restrictions. I recognize the right of every State to regulate and shape its own institutions, but this right can and should be exercised, only, in clear conformity with the letter and spirit of the Federal Constitution.

The Constitution prescribes, that "The United States shall guaranty to every State in this Union, a republican form of government." This provision clearly implies an obligation, on the part of the United States, not only to guaranty this form of government "to every State," but the guaranty is to all the States, that the government of each State *shall* be republican in form, whether the people thereof will it or not. This is the plain spirit, and intent of the compact; otherwise, the right already adverted to, that each State may regulate its own institutions, would become a source of imminent peril to the Union. Without this salutary check upon the action of States, we might soon have a cluster of anti-republican governments, springing up within the limits of the Union, to accomplish its retrogression and ultimate overthrow.

The events of the last few years, having fully demonstrated the irrepressible antagonism of slavery, to our Republican institutions, and left the question no longer to abstract discussion, or interpretation; our manifest duty, under the constitution, is, while the authority is rightfully in our hands, to see that no new or remodeled Government is received, which presents this obviously anti-republican feature.

Under proper auspices, and a just regard for mutual rights, the process of reconstruction may keep pace with the advance of our arms. With suitable assistance the people of the insurgent States may be restored to their legitimate rights in the Union, as rapidly as the hostile power is expelled from their borders. To effect this consummation, some rule should be prescribed, plain and just in itself, compatible with the dignity of the Government, and the perpetuity of the Union. Emerging from the calamities of this conflict, let us secure an honorable and permanent peace, and seal forever the terrific fountains of civil war. By doing less than this, we would prove faithless to the sacred trusts committed to our care, embitter the heritage of posterity, and commit a monstrous crime.

No true patriot, no sincere wisher of a restored and honored Union, could desire the wicked and infamous leaders of this rebellion reinstated in their places under this Government, where, by a repetition of their gigantic frauds, and intrigues, they might again attempt, what they have so signally failed to accomplish by the gage of battle. Every motive of self-preservation and the sternest dictates of patriotic duty, demand of us to guard well this vital point. Let us expunge forever these infamous names from the roll of the Union. Let us appeal directly to the less criminal offenders and the more tractable masses. To none others would it be safe or expedient to extend the boon of amnesty or enfranchisement, and not to these even, except upon the just and easy terms of being purged of their treason and plighting anew their faith to this Union.

Any effort at restoration, to be substantial and productive of satisfactory results, should be inaugurated upon a theory which will inspire mutual confidence between the parties, and constitute a basis sufficiently comprehensive to embrace all who, by a recantation of their disloyalty, may qualify themselves for and become entitled to its benefits. The initial point is obviously the most vital, and difficult; for if we start with a wrong reckoning, our future course will be one of constant embarrassments, and fail of ultimate success.

Profoundly impressed with these convictions, and firmly believing that no more feasible mode has yet been devised for securing a speedy and honorable adjustment of our disordered Union, I am prepared to fully endorse the late eminently plain and sensible Proclamation of President Lincoln, and until withdrawn, or superceded by some more authoritative act, shall yield to it my earnest and unequivocal support.

I can see, in this Proclamation, much to admire and nothing to condemn. If it be objected that one-tenth, being the number of persons therein designated as the basis of reorganization, be too small, the appropriate answer is, that it bears a fair proportion to those who, for the last half century, have controlled the politics and usurped the destinies of the South; and will exceed, in each State, the number of those who kindled the fires of this rebellion, and whose treason created the condition of things of which this restored tenth have become the sad and unwilling victims. It is but the beginning of a great consummation, and forms a nucleus, around which the returning loyalty of the South may, daily, and rapidly gather, as they comply with the just and easy terms of the Proclamation.

The Proclamation prescribes only the minimum number necessary to constitute the basis of reorganization, excluding only the more criminal actors, and those who persist in adhering to their treason.

Amnesty is a boon, not a right, and, as criminals before the law, they are in no situation to dictate its terms, but must submit to those which the Government, in the exercise of its clemency, may deem it wise to grant.

If this mode of adjustment engenders revolution in the political relations of the South, it will be a revolution of right against wrong, and of which the oppressed and injured masses will derive the benefits.

By steadily adhering to these principles, as I trust we shall, we may succeed, after much wandering, and great tribulation, in bringing this Government back to its ancient and safer land-marks of universal freedom and perpetual unity.

I can not close this communication, and forego the opportunity presented, to congratulate the General Assembly, and the people, upon the auspicious condition of the State. A kind Providence has blessed us with adequate harvests, and a full measure of prosperity in all our undertakings. By His mercy we have been enabled to pass through the trying scenes, now drawing to a close, with honor and success.

All efforts, by bad and reckless men, to obstruct the execution of the laws and disturb our domestic peace, have been promptly thwarted. Our obligations to the National Government have been faithfully performed; and our people, whether at home or in the field, have nobly vindicated their devotion to the Union. The financial affairs of the State were never in a sounder condition. Notwithstanding the extraordinary expenditures, rendered unavoidable by military operations, the revenue on hand, and due from the several sources, exceeds, by many thousand dollars, the total indebtedness of the State: Without hazard to our credit, we may challenge comparison with any other State in the Union. For this, much credit is due, and should be awarded to the out-going Executive, who has administered the affairs of the State with marked economy, and discharged his onerous and complicated duties, with an ability and patriotism deserving of the highest commendation.

Entertaining implicit confidence in your intelligent and patriotic regard for the public interests, and conscious of no motive, on my own part, inconsistent with their advancement, I shall indulge in the hope that our mutual counsels and joint labors, may be productive of good to the commonwealth.

With humble faith that God will continue to bless our young State, and in His own good time deliver our common country from the calamities of cruel war, let us enter upon the discharge of our respective duties.

W. M. Stone.

FIRST BIENNIAL MESSAGE

JANUARY 8, 1866

From Pamphlet Edition of Message—in the Library of the State Historical Society, Iowa City

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STATE OF IOWA, EXECUTIVE OFFICE,
DES MOINES, January 8th, 1866.

Gentlemen of the Senate and House of Representatives:

As the chosen representatives of the people, you are convened in obedience to the requirements of the Constitution, to discharge the important duties which devolve upon the Legislative branch of the State Government, and I heartily congratulate you upon the encouraging auspices under which we meet. From a condition of disastrous and protracted war, existing at the close of your last session, the country has triumphantly passed to a period of repose which, through wise counsels and the continued blessing of Providence, we fondly hope may become perpetual.

In communicating to you the condition of the State, as required by the Constitution, I deem it expedient for your information to present, in connection with the financial statement, an exhibit of our military expenditures from the beginning of the war to the present time. And I may be allowed to anticipate this exhibit with the remark that, considering the sparseness of our settlements, the absence of steamboat and railroad facilities, largely supplied by wagon transportation, and that, in proportion to our population, we have furnished a larger number of troops than any other

State, promptly filling all our quotas, our record presents through the entire period an economy of expenditure equalled by no other State in the Union.

There was expended for military purposes from

May, 1861, to Nov. 4, 1861	$233,568 43
Nov. 4, 1861, to Nov. 2, 1863....	639,163 85
Nov. 2, 1863, to Nov. 4, 1865....	169,231 00
Nov. 4, 1865, to Jan. 1, 1866....	4,047 71

These dates express the periods within which the above sums were paid, but not when they were actually incurred. The amount incurred from Jan. 14, 1864, to Jan. 1, 1866, is $44,931.32. Total military expenditures for all purposes up to January 1, 1866, are $1,046,735.99.

It will be observed that most of these expenditures were incurred during the period beginning with the war and closing with the fiscal year 1863. This was caused by our being compelled, in order to facilitate the military operations of the General Government, to defray a large portion of the expenses incurred in enlisting, transporting, subsisting, quartering and paying the volunteer forces organized in this State. The sums thus expended were regarded merely as money advanced to the United States, for which, under the Acts of Congress approved respectively July 17th and 27th, 1861, we are entitled to reimbursement.

Although we have filled four several requisitions of the President for troops, and organized four regiments and one battalion, during the last two years, yet the entire cost to the State will not exceed one thousand dollars. While I was anxious that our State should promptly discharge its entire duty in contributing to the national defense, in the way of furnishing men, I refused to defray the expense involved in recruiting and forwarding our quotas from the State Treasury; and accordingly the expenditures thus made, were paid by disbursing officers assigned by the War Department. The residue of the expenditure of these two years was incurred in organizing the State Militia, under Act of the General Assembly approved March 26, 1864, transporting arms and ammunition, expense of the Adjutant General's Office, detail of men for protecting Southern border counties from threatened raids in the fall of 1864 and the winter of 1865, and for all other military purposes except the Sanitary Department.

CLAIM AGAINST THE UNITED STATES.

I desire in this connection, as briefly as I can, to present the condition of our claims against the United States for reimbursement under the Acts of Congress above referred to. The sums embraced in these claims were mostly expended during the first and second years of the war from the War and Defense Fund appropriated by Act of the Special Session, May, 1861. The history of our military transactions during this period is too well known to the members of your honorable body to require explanation here. The evidence is perfectly clear that these claims are for money unavoidably expended for legitimate military purposes; and also that they were allowed, audited and paid by the accounting and disbursing officers of the State, in strict conformity with the laws of the General Assembly. Upon this point there has never been any room for controversy, as the accounting officers of the United States Treasury freely concede. But the real difficulty between us arises from the fact, that, after a large share of these claims had been paid by the State in the utmost good faith, the Secretary of the U. S. Treasury adopted a set of regulations exceedingly technical and unreasonable in their character, by which the accounting officers of that department were required to be governed in examining the military claims of the several States. In the biennial message of my predecessor, under whose administration these transactions occurred, this conflict is fully explained as follows:

"There is due this State, from the United States, for expenses incurred by the State in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion, the estimated amount of $300,000. There is much difficulty in procuring an adjustment of this claim at Washington. When these moneys were expended by the State, there was no law of Congress, or regulation of the Federal Government, prescribing the form in which proof of the expenditure should be taken; and the General Assembly of this State provided, by law, for such proofs and vouchers as were deemed sufficient, both for the protection of the State and the United States. Upon presentation of these proofs and vouchers to the proper Department at Washington, they are found not to comply, in form, with regulations since adopted by that Department; and it is doubtful whether they will be allowed without some legislation by Congress. Some portions of these expenditures, thus made, are also objected to as not coming within the letter of existing laws of the United States. Among these are the sums paid by the State for the subsistence and pay of the troops that went from this State to Missouri, at the request of the United States officers, under the command of Colonels Edwards and Morledge.

"There is, also, an unsettled claim against the United States, for expenditures by the State, for the protection of our people during the two winters following the massacre on our north-western frontier, by Ink-pa-du-tah and his band. The United States are also, in my judgment, justly liable for the amounts expended by this State in protecting our people on the north-western and southern borders since the commencement of the rebellion. I recommend the appointment of an agent of the State to proceed to Washington to press the adjustment of these claims, and to secure, if necessary, additional legislation by Congress for that purpose."

I fully concur in the opinion that the United States is under obligation to reimburse this State for money expended in defending our frontiers from Indian depredations. The General Government having assumed exclusive jurisdiction over the Indian tribes, and, being therefore responsible for their conduct, should willingly refund all money necessarily expended by this State in protecting its borders against their savage incursions. The claim for money expended in maintaining the Northern border brigade rests upon this ground. The organization of the Southern Brigade was rendered necessary, in the opinion of the General Assembly, to protect the border counties from the depredations of guerrilla bands existing in the adjacent State of Missouri. These expenditures, though constituting just claims against the United States, in the absence of any general law cover-ing the case, will not probably be secured to us without further legislation by Congress. This matter is respectfully referred to your consideration.

In compliance with the provisions of Chapter 61, Acts of the last session, I visited Washington and found the military claims of the State in a very unsatisfactory condition. But little progress had been made in their examination, and, under the regulations above referred to, most of them were necessarily suspended as the examination advanced. I pointed out the gross hardship of these regulations to the Secretary of the Treasury, and repeatedly solicited their modification, so as to make them conform to the laws of this State, under which our claims were allowed and paid. Failing in this, I presented the matter to the President, who readily perceived their injustice, and gave his opinion to the Third Auditor of the Treasury, that, under the circumstances, they should not be rigorously applied in the examination of the Iowa Claims. Although this opinion was freely expressed by the President, yet he declined to make any positive order for the modification of these rules, on the ground that the subject was within the peculiar province of the Secretary of the Treasury. Repeated efforts have been made by myself and others for a suspension or change of the regulations mentioned, so as to procure a favorable examination of our claims, but so far the labor has been unavailing.

On the 1st of October last I was advised by the Third Auditor that the preliminary examination of the Iowa claims had been concluded, and a "statement of differences" forwarded. From this statement, now in the Executive office, it appears that the total amount of Iowa claims on file in the Treasury Department is about $616,739.07. Of this amount, $20,825.00 have been allowed; $430,326.70 suspended, and $165,589.23 disallowed.

To have a full understanding of the subject, it will be necessary to bear in mind that this total of $616,739.07 embraces the entire amount of our Military expenditures for a given period, including expenses of the Adjutant-General's Office, Governor's Aids, interest on money borrowed, State Agents, duplicate payments to troops, &c., which do not come within the provisions of the Acts of Congress, and for which we cannot reasonably expect reimbursment. This class of claims amounts in the aggregate to $165,589.23, stated as disallowed. The sum of $430,326.70, stated as suspended, is money legitimately paid on behalf of the United States in recruiting and getting troops into the field. This sum has been merely suspended for want of the technical proofs required by the Treasury regulations above referred to, and is subject to re-examination and allowance. This is the entire amount in dispute between the State and the General Government under the Acts of July, 1861.

Upon this claim the United States is entitled to credit for $384,274.80, being the quota of the direct Federal tax apportioned for the year 1861, to this State by the Act of Congress approved August 5, 1861, the assessment and collection of which the State assumed by Act of the General Assembly, approved January 31, 1862, and also to the further sum of $100,000.00 paid the State from the United States Treasury, in advance of settlement on our military disbursements specified above—making a total credit of $484,274.80.

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Subsequent levies of this direct tax upon the States were abolished by Act of Congress, approved June 30, 1864, but leaving them still liable for the apportionment of 1861. Section 53 of the Act of August 5, 1861, and the Act amendatory thereto, approved May 13, 1862, provide in substance for allowing such portion of this tax, due from any State, to be paid and satisfied in whole or in part by the release of such State, duly executed, to the United States of any liquidated and determined claim of such State for reimbursement of expenses incurred in enrolling, subsisting, transporting, &c., troops employed in aiding to suppress the rebellion, as should be filed with the proper officers of the United States before the 30th of July 1862. The bulk of the military claims of this State was duly filed in the Treasury Department within the time thus limited, but not having been "liquidated and determined" by its accounting officers, no release has or could have been executed.

All the money derived to the State Treasury from the levy imposed by the Act of January 31st, 1862, has been absorbed in the redemption of warrants issued upon these War and Defense Claims, and was, therefore, a virtual payment of them out of funds belonging to the United States, being sufficient as will be perceived with the $100,000.00 advanced to the State to more than cover the entire amount of our suspended demands against them.

Under these circumstances, I have determined to hold these unadjusted claims as an offset to this direct tax, unless otherwise directed by the General Assembly. This course I have considered necessary to protect the interests of the State from what I am constrained to regard as exceedingly disingenuous conduct on the part of the Treasury Department towards us. By pursuing this course, but little detriment can result to the State from the suspension of our claims. But as a final adjustment is desirsble for both parties, steps should be taken to procure it without unnecessary delay; and I therefore recommend the appointment of a special committee to investigate the subject, and report a definite and practicable plan for securing a settlement.

FINANCE AND REVENUE.

Our financial affairs were never in a sounder condition. During the entire period of the war we have levied but two mills on the dollar for State purposes; and have incurred an indebtedness of only $300,000, which was for military expenditures during the first year of the war. The total amount received in the Treasury during the fiscal two years ending November 4, 1865, was $977,825.10; and the amount expended for all purposes for the same period is $952,739.42, leaving a balance in the Treasury of $25,087.68.

The total amount of State Revenue derivable from general levy at two mills, and other sources for the ensuing biennial period, excluding the estimated balance due from the United States Government, may be calculated at $1,311,002.87.

The total disbursements required for the same period for ordinary purposes, including payment of bonds ($200,000) due in 1868, may be estimated with approximate accuracy at $794,923.65, leaving a balance of $516,079.22 in favor of resources, from which to make such special appropriations as the General Assembly shall deem expedient.

The entire debt of the State is only $622,295.75, consisting of $122,295.75 loaned from the Permanent School Fund, November 12th, 1864, loan of $200,000.00, payable January 1868, and $300,000.00 War and Defense Bonds.

The amount loaned from the School Fund is, practically, so much borrowed from ourselves, and is only a method resorted to for the permanent investment of that fund. The interest on this loan is due semi-annually; but the principal is payable at the pleasure of the General Assembly; leaving only $500,000.00 as the actual indebtedness of the State. The $200,000.00 due January 1st, 1868, may be promptly met from present resources. The remaining $300,000 are not due until 1881.

This record of economy and exemption from indebtedness is a subject of profound satisfaction to our people.

The annual interest on the bonds of 1858 amounts to $14,000; and, to curtail this expenditure as far as possible, I recommend the passage of an act authorizing the State Treasurer to redeem these bonds as he may be able to secure them, out of money in the Treasury not required for other purposes.

Our laws regulating the assessment and collection of taxes, though possibly defective in some respects, have in the main been eminently successful. Careful observation has satisfied me that any attempt to improve the present revenue system by additional legislation would be an experiment of doubtful expediency.

POPULATION.

The population of Iowa, according to the Census of 1863, was as follows:

Total number of whites	700,842
Total number of blacks	1,320
Total population	702,162

According to the Census of 1865, the population of Iowa is as follows:

Total number of whites	751,125
Total number of blacks	3,607
Total population	754,732

No report for 1865 from the populous county of Winneshiek has been furnished, and the return for 1863 being taken for this county, a heavy increase is thereby omitted in the above calculation. The Census of 1865 also having been taken in the early portion of the year, the spring and fall immigration is necessarily left out. In all probability there are now over 20,000 people, residents of Iowa, not included for these reasons in the above statement, which would give an actual population of about 775,000. It will be observed that our increase has been much greater during the last two years than the former periods. If the increase continues in the same ratio during the residue of this decade, we may justly anticipate the next National census will give us a population of nearly one million.

It is observable that the ratio of our increase keeps pace with the advance of railroad enterprises, furnishing, as they do, increased facilities for traveling, and additional means for improving and developing the resources of the State.

The large amount of unoccupied and fertile lands within our borders, our vast agricultural resources, and our healthy climate, furnish so great inducements to the surplus and enterprising population of the older States, that we may reasonably expect this rapid increase of population to continue for years to come.

SCHOOLS.

By reference to the clear and comprehensive report of the Superintendent of Public Instruction, it will be observed that the schools of the State are in a healthy and flourishing condition. The system is working well, and is so far perfected as to require but little additional legislation.

The average attendance of pupils during the year 1864 was 117,378, and the number of youth of school age, 294,912. Out of 324,338 enumerated school children in 1865 there was an average attendance of 119,593 pupils.

Nothing committed to your care is more far-reaching in its importance than the education of our youth. To carry out this exalted duty successfully, we need not only the munificent school fund at our disposal, but we need especially an increasing corps of thoroughly trained and competent teachers. This is manifestly a great educational demand.

To supply this pressing want, a Normal Department has been added to the State University; but it is questionable whether this provision is or can well be adequate to the purpose. I would therefore most earnestly invite your attention to the importance and necessity of establishing a special school for the exclusive purpose of training teachers, with as little delay as possible. The value of special preparation for all professional avocations cannot be easily over-estimated, and should certainly not be disregarded in the infinitely important work of educating the young. I therefore cordially approve and recommend to your favorable consideration the suggestions of the Superintendent of Public Instruction, bearing on the subject of a Normal School.

STATE UNIVERSITY.

The State University, located at Iowa City, is meeting with a most gratifying success. The present year opens with a largely increased attendance in all the departments. Established by the Constitution, munificently endowed by grants of lands, centrally situated in the midst of a cultivated and enterprising community, with the growing confidence of our people, and conducted by a faculty of laboring and competent professors; it bids fair in time to equal in usefulness and renown the famed seats of learning in the older States.

An appropriation was made at your last session for the erection of an additional and much-needed building. Owing to the unexpected and rapid advance in the price of material and labor, a further appropriation of about $11,000 will be necessary to complete the structure as designed, which I earnestly recommend be granted. The wants of this important institution should always be promptly provided for.

A University is properly an institution in which all departments of learning are taught. A branch for instruction in the science of medicine is now established at Keokuk. In order to obviate the necessity our young men are now under of going out of the State to pursue a regular course of studies in jurisprudence, and to promote sound legal learning, I recommend the organization of a Law Department, with power to confer diplomas upon graduates which shall entitle their possessors to practice in all the Courts of the State.

While in some respects it would be desirable to have the Law School, when established, located at the same place with the collegiate department of the University, yet the fact that the United States and State Supreme Courts, attracting at regular periods the most eminent legal talent of the State, sit at Des Moines, and that the State Law Library, a valuable auxiliary to a Law School, is also located there, present peculiarly strong reasons for the location of this school at the Capital. Law students will naturally seek Court centers, where, while studying the principles of law, they can also observe its practical workings in the conduct of causes.

PERMANENT SCHOOL FUND.

The Auditor in his able report has called your attention to the present condition of the permanent School Fund. This subject should receive your early and serious attention. The plan originally adopted of distributing this fund among the counties, vesting the school fund commissioners with authority to loan it out to individuals, always of doubtful expediency, has caused much embarrassment, and resulted in a material diminution of the fund. Through the incompetency and mismanagement of county officers a large amount remains unaccounted for, and although strenuous efforts have been made by the Auditor of State to obtain a satisfactory adjustment of the accounts, great discrepancies still exist in many instances between the sums charged to counties and the amounts accounted for in their returns. Unless a careful settlement can be obtained with those delinquent counties, and the remedies against them strictly enforced, the ultimate loss to the School Fund will amount to many thousands of dollars.

The last General Assembly, by the Act approved March 29, 1864, attempted to provide for the gradual return of the School money to the State Treasury; but this act leaves it discretionary with the County Supervisors to retain and reloan it in their counties, or direct it to the State Treasurer for the purpose of being invested in U. S. Stocks, as they may deem advisable. If it should be considered expedient to withdraw this fund entirely from the counties, and invest it in safe and available securities, it will be necessary to modify the 2d section of this Act, and make it obligatory upon County Treasurers to transmit this fund promptly as received to the Treasurer of State for investment. I cordially recommend to you the suggestions of the Auditor, whose opportunities for thoroughly understanding this subject entitle his views to great weight.

Our Constitution makes the State the responsible and perpetual guardian of this fund, ultimately liable for every dollar which passes through its hands. From this liability the State cannot absolve itself; and, the people being subject to taxation for all losses which may occur, the importance of carefully guarding and preserving this fund by efficient legislative enactment is apparent. The educational interests of the State, and the success of our common schools depend upon it; and therefore this duty must at all hazards be faithfully performed.

It should be borne in mind that the principal constitutes the permanent and inexhaustible fund, while only the interest derived from its investment creates the semi-annual fund distributed among the schools of the State for their current support. No mode of investment or rate of interest is prescribed by the Constitution. This matter is left to the sound judgment of the Legislative department. We may loan it out to individuals as we have heretofore done, or invest it in bonds either State or National. I am decidedly of the opinion that it would be advisable to require the whole of this fund, now floating among the counties, to be returned to the State Treasury as soon as practicable, and so invested as to render the interest promptly receivable for apportionment among the schools.

Would it not be judicious to redeem our outstanding State bonds with this fund, executing in lieu thereof, bonds bearing the same rate of interest, payable semi-annually to the School Fund, and the principal redeemable at the pleasure of the General Assembly? We are now paying an annual interest of $35,000 upon our bonded debt, and the most of this goes into the pockets of non-resident holders. By adopting the plan here suggested we could, within a reasonable time, liquidate our entire indebtedness, by transferring it to ourselves, paying the Schools of the State instead of strangers, the interest accruing thereon; and at the same time make a safe and permanent investment of this sacred fund. I can perceive no sound objection to this measure, and its importance is so obvious that I trust it will meet with your early and favorable consideration.

AGRICULTURAL COLLEGE.

The completion of the Agricultural College is a subject which demands your early attention. By the Act of Congress under which we obtained this rich endowment of lands for the benefit of Agriculture and the Mechanic Arts, the State is required within five years from the date of the grant, to provide at least one College as described in said Act. If we fail to comply with this condition, the lands thus granted will revert to the United States. To lose this magnificent donation by our own neglect or parsimony, after having accepted it, would not only reflect lasting disgrace upon the State, but would be an irretrievable injury to the advancement of our agricultural interests. The primary object of this grant is to establish an experimental and model farm where all the fruits and cereals adapted to our climate and soil may be thoroughly and scientifically tested. The object of the College, as contemplated by the law, is to teach the different sciences which are necessary to more eminently qualify our young men for this ennobling avocation. Such is the character of our climate and soil that agriculture will not only be a profitable pursuit, but must, in the very nature of things, forever constitute the great underlying interest of the State. Therefore, the necessity of providing an institution for the proper education of our young farmers in all those branches applicable to their calling is so obvious, that I trust you will not, as the legal guardians of this projected institution, hesitate to freely give it your fostering care.

As required by the Act of the last session, the Board of Trustees, after careful and due examination, adopted a plan and specifications for a College building. In addition to this the Board secured sworn estimates by architects and master-workmen of the cost of the building according to the plan submitted. The proof so furnished satisfied the Board and myself that the structure thus designed could be completed within the limits prescribed by the Act.

The work was begun in the utmost good faith; but the estimate of expenses being based upon prices prevailing at the time of our calculations were, to a great extent, frustrated in consequence of the unexpected and exorbitant advance in the prices of materials and mechanical labor. The foundation is completed and ready for the walls, and a large portion of the brick for the entire building on the ground. The appropriation, it will be remembered, was but two-fifths of the limited cost of the structure. These facts are more fully explained in the memorial of the Board, which in due time will be presented for your consideration.

This building must be completed at all hazards, and I trust the General Assembly will not hesitate to make an appropriation adequate to accomplish the work within the time limited by the Grant. When completed upon the the present plan, next to the Insane Asylum at Mt. Pleasant, it will be the finest edifice in the State; and will have been erected for a much smaller sum than the other States have expended upon their colleges under the same Grant.

I also recommend an appropriation of $5,000 for the purpose of reliably testing, by means of an experimental orchard, the varieties of fruit best adapted to the soil and climate of this State, and for the purchase of additional heads of improved stock. These departments will be of immense practical value to the State, and can soon be made self-sustaining; and their utility depends very much upon their early introduction.

HISTORICAL SOCIETY.

The State Historical Society is one of the established institutions of the State, and its utility as a permanent repository of historical documents, relics and memorials will be increased from year to year. This institution should be liberally provided for. The interesting report of the curators herewith transmitted will furnish you with a satisfactory statement of its present condition and wants, and I respectfully and earnestly commend them to your attention.

CHARITABLE INSTITUTIONS.

The Charitable Institutions of the State demand your careful attention, and they should receive all needful and appropriate aid. The reports of the proper officers of the Insane, Blind, and Deaf and Dumb Asylums herewith submitted, will furnish you with all necessary information in regard to their financial affairs and general condition. They appear to have been both ably and economically managed. And it should be regarded as a matter of sincere gratification, that these institutions, in spite of the many embarrassments incident to their foundation and early growth, have steadily advanced in usefulness, and are now in an exceedingly flourishing condition. As our population increases, we may naturally expect a corresponding augmentation in the number of our unfortunate fellow-citizens who will require treatment and education in these different institutions, and it becomes our solemn duty to render them fully adequate to the increasing demands of the State.

The law requires the expense of supporting patients at the Insane Asylum to be paid either from private means or by the counties from which they are sent. Great inconvenience results from the tardiness with which many counties return their dues to the State Treasury, while some of them have wholly neglected this duty. The importance of promptly paying their dues should not be overlooked, as all deficiencies must be made up to the Asylum from the General State Fund.

The Trustees of the Asylums for the blind, deaf and dumb, and insane, present in their reports the proper financial statements, and ask appropriations for repairs, improvements and contingent expenses deemed necessary to advance the utility and meet the increasing wants of their respective institutions, which I trust will be promptly and favorably considered.

STATE PENITENTIARY.

The Penitentiary at Fort Madison is one of the permanent and indispensable institutions of the State. It is, as yet, incomplete, and for years will need regular appropriations for current expenses not only, but large outlays for additions and improvements. It now has accommodations for 148 persons, and 14 additional cells in a short time will be ready for occupancy.

A warden's house, a clerk's office, a vault for the safe keeping of the records of the institution, and a building 104 by 40 feet for the purpose of a convict kitchen, dining hall, chapel and hospital are about completed.

The labor of the convicts has been leased at the rate of 40¾ cents a day, per man, the contract having been made for 10 years from January 1st, 1865.

The Warden asks for appropriations to complete the yard wall, to construct a sewer from the south east corner of the yard to the river, to build a reservoir for water on the hill, for greater protection against fire, to put up fixtures for the purpose of warming and lighting the cells, which is now indifferently done, to enlarge the yard by moving the wall to the western limits of the prison grounds, to convert the west wing into cells, and for other important repairs and improvements, amounting in all to $48,100.00.

The expediency of these appropriations is respectfully referred to your intelligent consideration. I earnestly urge upon you the importance of adequate security against fire by the means proposed in the Warden's Report, as no insurance can be effected; and of properly warming and lighting the cells of the convicts, so that the inmates can be rendered comfortable, and spend their leisure hours in reading.

I invite your attention to the Warden's Report, which will furnish you with a detailed statement of the receipts and disbursements of the Penitentiary, and suggest the appointment of a special committee to visit the institution, and report upon the propriety of the appropriations and improvements recommended. I take great pleasure in saying that the affairs of the prison have been conducted with marked success in all the departments.

LAND GRANTS.

The elaborate and comprehensive report of the Register of the State Land Office, will present you the condition of the various land grants, which have been made by Congress at different times for the benefit of the State. It will be observed that many questions of an exceedingly complicated character have arisen from the conflicting claims of the parties interested in these several grants, the full and just determination of some of which may require judicial investigation. To settle these questions, however, so far as they can be settled by legislative action, will involve much thorough and patient labor. A large number of our citizens who have settled upon public lands in good faith under color of title, now find their homes jeopardized on account of claims insisted upon by corporations which have become the beneficiaries of those grants. These adverse claims, in most cases harshly insisted upon, will unless, some remedy is provided, ultimately cause great inconvenience and perhaps ruin to a large number of our enterprising and worthy settlers. It was evidently the intention of Congress in all these grants to preserve inviolate the rights of *bona fide* settlers, and allow them a fair opportunity to purchase at the minimum price. And the attempts now being made by these corporations to appropriate these lands against the rights of the settlers, are, in my judgment, a manifest departure from the spirit of the grants. I therefore earnestly recommend such legislation on your part, and resort to judicial tribunals, both of which I deem essential, as will speedily bring these conflicting interests to a full and final adjustment.

The difficulties existing in the adjustment of the Swamp Land claims in the Department at Washington are fully explained in the Register's report. I entertain the hope that these difficulties will be fully removed within a reasonable time, and that the counties will not be long delayed in procuring the allowance of their claims.

The law provides that where lands, afterwards proven to be Swamp lands, have been sold by the Government, the purchase money shall be refunded to the State, which goes to the benefit of the proper county. A large number of warrants for the indemnity money have been issued by the United States Treasury, and forwarded to this office. Some of these warrants, without coming into my personal possession, have been improperly and illegally applied by parties through whose hands they have passed, and the counties to which the warrants belong, have, up to this time, failed to receive their money. This matter is of so grave a character, that I deem it incumbent on me to call the early attention of the General Assembly to it, and I therefore ask for the immediate appointment of a joint committee to investigate the facts.

JUDICIAL SALARIES.

Your attention is specially invited to the subject of judicial salaries. Chapter 19, Acts of the Extra Session, September, 1862, reduced the salaries of District Judges to $1,300.00, and of the Supreme Judges to $1,800.00. When this Act was adopted we were in the midst of the rebellion, liable to extraordinary outlays of money for an indefinite period, and the reduction of salaries was then regarded by the Legislature as an important measure in the general policy of retrenchment. The wisdom of such a measure, however, at any time, may be seriously questioned, especially in regard to judicial officers; for it should not be forgotten that upon the purity, ability and independence of the judiciary depends to a great extent our stability and strength as a nation. These essential qualifications cannot well be secured or continued by a system of compensation which is inadequate to the proper support of judicial officers. Those best qualified for the bench must, under the most favorable circumstances, make great pecuniary sacrifices in becoming judges. This reduction of salaries in its application to the District Judges took effect in January, 1863, with the commencement of the present terms, but in providing for the reduction of the salaries of the Supreme Judges, "after the several terms of office of the present incumbents expire," it may well be doubted whether the act takes effect until the close of Justice Lowe's term in January, 1868, inasmuch as his is one of the "several terms which will not expire until that time." Otherwise the anomaly would be presented of paying some judges less compensation than others of the same grade, and for performing the same service. This the General Assembly clearly never intended, and it may well be doubted whether they could have done so under the Constitution. This view is sustained by two of the Supreme Judges and the Attorney General, whose opinions will be found in the Auditor's report. If, therefore, it be correct, that the salaries of these judges have not yet been affected by the operation of this law, the constitutional provision against changing the compensation of judges during the term for which they are elected, will not be contravened by its repeal, which would leave the salaries of all the Supreme Judges at $2,000. But whatever view you may entertain as to the time of taking effect of this law, I trust you will perceive the expediency of its immediate repeal, as this cannot change the salaries of those now in office.

In my opinion the public interests would be clearly subserved by paying our District Judges $2,000 a year, and those of the appellate tribunal $2,500. A law increasing the salaries of District Judges would take effect in January, 1867, at which time the terms of the present incumbents will expire; but those of the Supreme Bench cannot be increased, if this view of the Constitution is sustained, until after all of the present terms shall have expired.

I recommend that you constitute the judges of the Supreme Court ''Commissioners of Legal Inquiry" in place of those contemplated by section 2675 Rev. 1860, making it their duty at the close of each regular term to report fully to the Governor, and also to the General Assembly at each regular session, upon any discrepancies or imperfections in the general statutes and code of procedure. These duties should be made imperative, and compensation provided. This is not now the case, and as a consequence no report of Commissioners of Legal Inquiry has ever been submitted. The trust is one of such delicacy and responsibility, that it would be appropriate to confer it upon those who hold the highest judicial position in the State. In this way we will be gradually enabled to systematize and perfect our laws and code of practice, civil and criminal, at the same time that we raise the pay of the Supreme Bench by constitutional means to something near a proper compensatory standard.

RAIL-ROADS.

The successful development of the vast resources of this State, and its consequent prosperity and wealth, are largely dependent upon the facilities offered by railway communication. To encourage and foster our Railroad enterprises by every feasible means, is manifestly the part of wisdom. The financial disorders through which the country has passed have crippled the means and retarded the progress of these enterprises in Iowa. Largely dependent for aid upon foreign capital, which is proverbially timid in regard to mode of investment, the difficulties incident to the construction of Railroads through this State will be readily appreciated. All the Railroads leading from the Mississippi River, with but one exception, have made an extension of their lines since your last session. New lines running from Missouri northerly through this State are now projected, and at least one of them is already in process of construction. The importance of a Railway connection with St. Louis by which the products of the Des Moines, Iowa and Cedar Valleys will find a cheaper and readier exit to market, than eastern lines are able to afford, is being duly comprehended in enterprising and intelligent commercial circles. Experience has already sufficiently demonstrated the incapacity of existing lines of Railroads for conveying our immense agricultural productions to the eastern markets. And it is also equally clear that, whatever may be the capacity of these eastern lines, their immoderate thirst for monopolizing the avenues of transportation, and their exorbitant charges for carrying stock and grain, render them formidable enemies to our agricultural prosperity.

For this, the only permanent remedy is the establishment of competing lines. In this question the farmers of Iowa are deeply interested, and the time for prompt and decided measures upon their part has arrived. The projected Railway connecting us directly with St. Louis, and by this means affording us the advantage of navigation to the Ocean at all seasons, in spite of low water in summer and ice in winter, must be admitted as a commercial and agricultural necessity. Such a road leading up the Cedar Valley, and to St. Paul, would also bring us in more direct and certain connection with the pine regions of the North, enabling our rapidly increasing demands for lumber to be more readily and cheaply supplied.

But it is not to the East alone that we should look for our future commercial relations. Iowa occupies a central position, a pivotal point, between the Atlantic and Pacific coasts. The mountains and the unproductive regions of the West must ultimately look to this State for a large portion of their agricultural supplies, while the Pacific States offer powerful inducements to our commercial enterprise. These vital considerations must not be disregarded.

Every rational calculation for the future urges the great importance of immediately seizing the opportunities now offered of securing these natural and invaluable tributaries to our commerce. Is it not of the highest importance, therefore, that we take immediate steps to secure the extension of the Union Branch of the Pacific Railroad through this State? The General Government has already given aid to the construction of one branch of this road through Kansas, and it is certainly not too much to expect that Congress would be equally generous towards this State. This road must inevitably become one of the important military lines of the Government, as intelligent statesmen will not fail to perceive. But space will not permit me to discuss the importance of this enterprise at greater length. I, therefore, most earnestly recommend that you address a joint memorial to Congress asking the proper aid for extending this road from its terminus on the Missouri River to some practicable point on the Des Moines where it can be united with one of the lines running eastward from that point.

MILITARY.

Without extending this communication much beyond the proper limits, it will be quite impossible to present even a general outline of our military history. The faithful services rendered during the late war by the troops from this State and their admirable conduct upon all occasions have furnished themes for abler pens than mine. Their fidelity and heroism have been often and appropriately acknowledged by the distinguished generals under whom they have served. It was their fortune to have borne a conspicuous part in all the renowned campaigns of the Western division of the army, bravely participating in its bloodiest and most decisive engagements. When the history of this great conflict shall have been fully and impartially written, it will contain no brighter pages than those upon which the achievements of Iowa soldiers are recorded. A State which before the war was scarcely known except as a patch upon the map of the Republic, to-day has a name calculated to excite becoming emotions in every manly and patriotic breast. But the evidences of sorrow yet visible on every hand remind us that this good name has been earned at a fearful cost. Some of the brightest names which adorn the annals of the war are ours; and citizens of Iowa are numbered among the noblest of the fallen heroes.

Our average population during the war has not exceeded 700,000, and of this we have furnished *one-ninth* to the national armies. The aggregate of the quotas assigned to this State, under all calls for the war since the first regiment was organized, being reckoned at their equivalents in three year's men, amount to 70,825, and the number claimed by us to have been furnished upon these quotas is 73,240. Not included in this statement are the First Regiment of Infantry, 962 men, furnished under the three months call of April, 1861, 12 two years' recruits, 3,689 one year recruits and 3,857 one hundred days' men, which last were a volunteer offering by the State, and independent of all calls, making a total aggregate of 78,059 men. These figures are not strictly accurate, but are as nearly so as they can be made from the data at our command. On account of discrepancies between the credits given by the War Department and our own records, much difficulty was experienced in obtaining proper credits for all that we claimed, but the accounts were finally so far adjusted in January, 1865, pending the previous December call, that, in consideration of our general promptness, and by special request, I procured a relinquishment of all further demands against the State under that and prior calls, although quite a number of the sub-districts were still delinquent.

By the Act of Congress passed in March, 1863, the enrollment of the national forces was made by sub-districts, consisting of townships and wards, and each sub-district thus designated was required to furnish the full amount of the quota assigned it, without reference to the county in which it was situated. The accounts of quotas and credits were kept, through the Provost Marshal's department, with sub-districts only, counties being disregarded. This was the method resorted to by the Government to compel each community to bear its own share of the common burden, in due proportion to its enrolled military strength. Many entertain the opinion that while the State was apparently in advance of all calls, a draft was ordered against it. This opinion is erroneous. But one draft was ever ordered for men in this State, and this was under the July call of 1864, and in the delinquent sub-districts only. This being in accordance with the express requirement of the law, it was unavoidable while any ward or township was delinquent.

In this connection I deem it proper to state that, notwithstanding the grave differences of political opinions entertained, my efforts to procure enlistments under the several requisitions were, with rare exceptions, cheerfully and cordially seconded by the leading men of all parties. There were, however, on the other hand quite a number of inhabitants in different parts of the State, who, when the probabilities of compulsory enlistments became imminent, suddenly abandoned their homes and expatriated themselves. These persons should be known of all men, and held up to perpetual scorn. The citizen who, in the hour of his country's peril will flee beyond the reach of law to avoid the performance of military duty, is an unworthy subject of the government, and should be rendered forever incapable of enjoying the rights and privileges of citizenship.

During the last year of the war the regiments from this State being assigned to so many departments of the army, became dispersed over almost the entire theatre of military operations. This created the necessity of an increased amount of sanitary assistance, and imposed additional labor and responsibility upon the Executive department. Every practicable effort was made to secure proper attention to the wants of our sick and wounded soldiers, and, if any were neglected, it was in most cases because of their remote and isolated situation, or the misconduct of U. S. Surgeons and other government officers entirely beyond our reach. Of the $40,000 appropriated at the last session for extraordinary expenses of the Executive office and relief of sick and wounded soldiers, up to the close of the last fiscal term $26,500 have been expended, of which $3,500 were for claims unpaid under the preceding appropriation, leaving the sum of $13,500, undrawn up to that date.

ARSENAL.

I desire to urge upon your attention the necessity of immediately erecting a building for the safe-keeping of ordnance stores belonging to the State, and the preservation of our military records. The last General Assembly appropriated $5,000 for the construction of an Arsenal at Des Moines, and directed the Adjutant General to commence the building, provided the necessary grounds for that purpose could be procured without expense to the State. The advances in prices so far increased the value of labor and materials beyond the estimate upon which the appropriation was based, that the Adjutant General deemed it advisable to defer the work for the further consideration of the General Assembly.

We have now under our control about 18,000 stands of arms and several pieces of artillery, besides a large amount of ordnance stores, which can only be preserved from deterioration by having a suitable building in which to place them. In addition to this, the importance of a safe depository for the records of the Adjutant General's office must not be overlooked. These records contain the original rolls and all the documents of various kinds pertaining to the enlistment, service and discharge of Iowa soldiers, the destruction of which would be an irretrievable loss to the State. We now have none but rented buidings for this purpose, costing about $1,000 annually, and without any adequate security against fire. A fire-proof building of sufficient capacity for all these purposes could be erected at a moderate cost, and it should be done without unnecessary delay.

MILITIA.

Early in the summer of 1864, General Orders were promulgated as contemplated by the law enacted at the last session, for the organization of the State Militia. Hostile Indians on the plains and guerrilla bands in Missouri threatening our Southern and North-Western borders and the preparations of a treasonable order in the State to offer forcible resistance to the Draft, necessitated the distribution of a large quantity of arms and ammunition to the militia. In many localities conspiracies were formed for securing the control of companies by excluding men of known loyalty, and having them commanded by persons chosen from the treasonable organization mentioned. I therefore appointed committees of prominent gentlemen in nearly all the counties to assist in the formation of companies that would be loyal and reliable, and I also directed that to such companies only were commissions and arms to be issued. Notwithstanding the opposition interposed to these precautionary measures, they were successful in preserving almost uninterruptedly the tranquility of the State.

The only serious outrage was perpetrated in Poweshiek County, in October, 1864, by a company styling themselves "Democrat Rangers." Captain John L. Bashore and Josiah M. Woodruff were brutally murdered by members of this company, while engaged in the execution of orders from the Provost Marshal of the Fourth District. The facts connected with this atrocious affair are fully set forth in the report of the Adjutant General for 1865 to which your attention is respectfully invited.

Having thus presented you with such matters as I deem most important for legislative consideration, I can not close this communication without congratulating you upon the activity everywhere displayed in recovering from all effects of the recent struggle for the preservation of the Union. Where in all history has any nation developed such wonderful energy and power? The foreigner who now visits our shores will hardly discover in the general thrift and quietude of the country the traces of that gigantic contest which so amazed the civilized world. With no intermission in the exercise of its sovereign authority, either on land or sea, except the brief usurpations of the insurrectionary States, or any material diminution in the vast measure of its foreign commerce, our country has continued to advance, in all the essential elements of national greatness, with a steadiness and rapidity unsurpassed even during the periods of profound tranquility. Terrible and bloody, beyond all precedent, as the conflict was, it may not, under God's disposing Providence, have been unproductive of wholesome results. For, nothwithstanding the unparalleled expenditure of life and treasure incurred in its prosecution, and the thousands of hearthstones made desolate, the sacrifices of the war have intensified the attachment of the American people to the Government of their fathers, and secured the involuntary respect of other nations for the exalted qualities it has developed in our National character.

Although unable at this juncture to adequately comprehend the influence of this gigantic struggle upon the ultimate destiny of the Republic, yet we may clearly discern that our gratitude is eminently due to the Divine Ruler of Nations for graciously sustaining our Government through its perils, in guiding our armies to victory, in preserving the Nationality of our people, and in His own good time delivering our land from the horrors of continued war. Deriving wisdom from the instructive lessons of the past, let us calmly devote ourselves to the future, remembering that posterity has a claim upon our efforts, and that the great work of this generation remains to be completed.

William M. Stone.

SECOND INAUGURAL

JANUARY 11, 1866

From Pamphlet Edition of Address—in the Library of the State Historical Society, Iowa City

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EXECUTIVE OFFICE,
DES MOINES, January 11th, 1866.

Gentlemen of the Senate and House of Representatives:

Chosen by the partiality of my fellow-citizens to discharge the duties of the Executive office for a second term, I have appeared before you to solemnly renew the obligations prescribed by the Constitution of our State, and to repeat the assurances of my earnest devotion to the public welfare.

With a sense of profound obligation to the Almighty Ruler of the Universe, for the altered condition of the country since my first inauguration, and the dawn of a more tranquil era in the national history to cheer me, I enter upon the present term with the flattering hope that the State will continue to prosper, our people realizing an adequate measure of success in developing the resources which nature has so bountifully placed at their disposal.

Grateful to Him who in mercy has guided and sustained us, I congratulate you that during the vicissitudes of a War which shook the foundations of the Republic, the people of Iowa have continued to advance in all the essential elements of enduring wealth. With extended borders exposed to the incursions of watchful enemies, the property and lives of our citizens have, nevertheless, been adequately protected. Notwithstanding that eighty thousand of our active and vigorous population were furnished to the national armies, yet by the aid of machinery substituted for the manual labor thus withdrawn, the annual yields of agricultural productions have steadily and rapidly increased. While our granaries have been abundantly supplied at home, the avenues of commerce have teemed with our surplus grain and stock contributed to the markets of other States; and the census returns exhibit from year to year a constant and astonishing augmentation in the avails of every other department of material industry. The increase of useful inventions indicates that the labors of the mechanic and artisan have been duly rewarded. The progress of internal improvements, and especially of our Railroad enterprises; the growth of towns and cities; the complete recovery of all classes from pecuniary embarrassments; our present sound financial condition and the widely disseminated facilities for intellectual development, afford the general outlines of a picture, which older and more favored States may strive in vain to rival.

What Iowa is, she owes only to herself—to the industry, to the enterprise, the moral character and patriotism of her people, while her healthful climate and her soil of unexcelled fertility, her rich deposits of mineral wealth, the inland water-courses and the navigable rivers which wash her boundaries; her central position between the two great Oceans, and the iron links uniting her inseparably with the commercial arteries of the continent, utter predictions of her coming greatness more emphatic than either pen or tongue can make.

But inasmuch as the biennial message has presented in detail the condition of the State, and its exigencies in the various departments, I may be pardoned if, in suggesting additional topics for your consideration, I now turn to the more extended theatre of national affairs.

Thoroughly imbued with the principles of liberty and equality, proclaimed by our fathers at the origin of the Republic, and alive to the importance of transmitting to posterity the Government which they established, the people of Iowa in the recent struggle contributed liberally of their blood and treasure for the preservation of the Union. Loyalty to the Constitution, and adherence to the Federal Union were the cardinal ideas of our people, and the exalted motives which unswervingly attached them to the national cause. If the spirit of treason or sympathy with rebellion existed among us, it was only in a modified form, emphatically stifled by the aggregated patriotism and preponderating influence of the loyal masses. As a member of the Federal Union, possessing a joint interest in the national heritage, Iowa had a destiny inseparably connected with that of the loyal and adhering States. Our radical and undeviating opposition to the bold and persistent demands of the slave power, prepared us to meet the issues which were finally submitted to the terrible arbitrament of War.

Fully realizing the magnitude of the questions at stake, and perceiving no adequate equivalent for an undivided Union, our citizens in obedience to the national call promptly abandoned their peaceful avocations, and became soldiers bravely rallying in defense of the common emblem. Their devotion to Liberty and the Union has been nobly vindicated by their blood. Their intelligent submission to discipline, their endurance and valor conspicuously displayed in marches, sieges and battles, are the subjects of imperishable history, and need not be recounted here. As they bore the flag of Iowa victoriously on the tide of War, the rattle of their musketry was heard upon every field of conflict made historic by the valor of the West, and the thunder of their cannon amidst the carnage of battle, announced the progress of our advancing columns.

In this connection, the occasion seems not unsuitable for a brief allusion to affairs resulting from the termination of the war. Conscious of no desire to excite unfounded distrust in the minds of others, regarding the prospects of an early return of the insurgent States upon a loyal and satisfactory basis, I nevertheless cannot disguise my own apprehensions of ultimate danger from existing adverse elements, unless the loyal States shall remain firm in their purpose to vindicate the majesty of the Government in dictating the terms of restoration. The statesmen to whose wisdom the destiny of this great nation is now entrusted, will be held responsible for a faithful performance of their work. Coming generations of our people will, in the light of history, carefully review the events of these times, and with a considerate judgment they will admire our fidelity or condemn our recreancy.

Let us not be deceived by the flattering assurance, indulged by many, that the conflict is over. To suppose that this embittered contest between right and wrong, of adherence to the fundamental principles of the government, and the intensified spirit of treason nursed for half a century terminated when the rebel armies were overthrown, is to forget all the teachings of history, and disregard the instructive lessons of our own experience. Every indication of the times affords accumulating evidence that the great problem of our National Future remains to be solved. But I am not without hope. The substantial progress with which, under manifold difficulties, the work of restoration has been attended in so brief a period may be construed as a favorable indication of the future; and although short of the anticipated measure of success, it yet affords encouraging evidence, that among the well disposed inhabitants of the South, the bitterness engendered by rebellion is rapidly giving way to a common purpose of conciliation. For this, all parties should be grateful. And the insurgent States especially will not fail to perceive their obligations to that magnanimous policy, which, in spite of opposing influences, secured for their efforts the friendly co-operation of national authority.

This policy, known as the President's plan of reconstruction, has been characterized by the development of extraordinary constitutional power on the part of the Federal Executive, and this power having been exercised with so great a degree of general approbation, amounts to a practical interpretation of the Constitution absolutely conclusive upon all parties, and unavoidable as a precedent for the future. The successful exercise of this inherent power demonstrates that the Constitution contains, when rightly interpreted, ample resources for its own preservation.

Upon what grounds can this conduct of the President be justified? The effort to consider a State, for political purposes, separate and distinct from the people who compose it is a manifest absurdity. A State is a body politic, or civil community, united together for the purposes of government, and their government is the accredited legal organ through which they act, and by which they are known as a municipal organization. South Carolina may have land and defined territorial boundaries, but it can have no government without inhabitants, and without a government, although having inhabitants, it would not be known or recognized as a State. The people of that and every other State in the Federal Union, are nothing more or less than a municipal body, exercising the powers and franchises of a government under the authority of the United States, and in subordination to the paramount sovereignty of the Constitution, which is the supreme law of the land. This subordination of States, and supremacy of the Constitution, are our sheet anchor and bond of perpetual union. Any theory adverse to this would result in the inevitable destruction of our nationality.

While in a territorial condition, though having inhabitants, and the same boundaries she now possesses, and though within the jurisdiction of the Federal Government, Alabama was in no Constitutional sense a State in the Union, and she became such only through the act of admission adopted by Congress in pursuance of the provision authorizing new States to be admitted. By this act of admission, or ordinance, accepted by the people of Alabama, the United States became bound, among other things to secure to them a republican form of government, to protect them against invasions and domestic violence, while on the other hand, the State so created, acknowledged the sovereignty of the Constitution and the supremacy of the General Government within the scope of its granted powers. From these mutual obligations, perpetually binding as Constitutional covenants, neither party can legally recede. The original States became members of the Union by ratifying and accepting the Constitution, which placed them upon a like footing with those subsequently admitted, and created between them and the government precisely the same reciprocal obligations.

Reasoning from these obvious premises it follows that the attempted expatriation of the Southern States, and their efforts to maintain it by war, virtually dissolved, for the time being, their political relations with the Federal Government, inasmuch as these unauthorized acts violated their constitutional obligations, and, on their part, the conditions upon which they were created and admitted as members of the Union. The treason of a few individuals, or a mere local insurrection would not have produced this result. But when the people *en masse* renounced their constitutional rights and deliberately transferred their allegiance to a hostile sovereignty, taking the entire power of the State with them, and levying war to maintain their new relations, it became treason on their part, involving by the established rules of national conduct, the destructibility of their political organizations. For it is manifest that, if these States had accomplished their treasonable designs, their political separation would have been complete, although their territorial boundaries might have remained as before. But, being overcome by the superior power of the Union, they were forcibly retained within its jurisdiction in the attitude of a conquered people. Having with treasonable intent violated the solemn covenants by which they were originally organized as States; and having forfeited their rights under them they are now in no condition to claim the benefits of these covenants, which can only be renewed by the disposition of the Federal Government, as the innocent and injured party, in the exercise of its sovereign power.

Having thus ascertained the true condition of these States, under the Constitution, the question as to whether they have been out of the Union becomes a mere abstraction. In legal contemplation they certainly were not; for all their acts in that direction, being in conflict with the Constitution, became null and void; yet it is nevertheless equally clear, as a matter of fact, that for a period of four years the authority of the Union was forcibly excluded from these States, and that, during that period, they were out of their constitutional orbits. Had this condition been maintained, and their separation permanently established, then the proposition that they were out of the Union would scarcely have been disputed; and may we not therefore with equal propriety now admit that, for all practical purposes, these States were not in the Union while this abnormal condition existed.

To hold, as many do, that the functions of these States were merely suspended, not destroyed by rebellion, would result in the logical conclusion that their former condition revived when the cause of that suspension was removed;

and, if they have not been destroyed, by what right do we now intervene in their affairs, and require their governments to be reformed before allowing them to resume their civil and political relations with the Union? From what source does the President derive rightful authority to appoint Governors for these States, conferring power to elect delegates and organize constitutional conventions, prescribing the qualifications of electors, and, by compulsory directions, require them to adopt certain measures and reject others. He could do none of these things for Pennsylvania or Iowa, and he does them for the insurgent States only as the authorized agent of constitutional sovereignty, and because their civil vitality has been destroyed, and they have ceased to exist except as geographical boundaries within the Union, containing inhabitants deprived of organized governments.

Upon this broad and conclusive theory the work of restoration has so far progressed. It was the landmark which guided Abraham Lincoln in his labors, wherein he was indorsed by the overwhelming verdict of the American people. It is the grand and abiding principle in accordance with which the struggle was maintained by us, and the Union saved. And I hesitate not in saying, that to abandon it now would be an insult to the memory of the martyrs who have fallen in its defense, and a dishonorable surrender to the enemies we have conquered.

If the view we have taken be not correct, then the President has committed a flagrant violation of the constitution by arbitrarily invading the sovereignty of these States, in the absence of war and consequent military necessity, for which he should not only be arraigned before the tribunal of public opinion, but deserves the penalty of impeachment.

At a juncture so fraught with danger to the land, honest convictions may be fitly uttered. The boldest advocate of strict construction will scarcely deny the rightfulness of the power claimed and employed by the President, yet in the existing posture of affairs those obvious reasons for its exercise are far more important to the country in the adjustment of the grave questions before us, than the mere fact that the power itself has been asserted. And by keeping these reasons steadily in view we shall not only be furnished with a safe guide for our own conduct, but avoid casting any obstacles in the way of Congress whose duties, in solving the problem of reconstruction, are more responsible and delicate than those which devolve upon any other department of the government.

Though firmly entertaining these views, I would not be understood as doubting the exalted patriotism or integrity of the President. While I could have desired him to go farther than he has, I can not withhold my cordial approval of the acts already done in the exercise of these constitutional powers, and would counsel my fellow-citizens to sustain him while performing his duties within the limits thus defined, with their generous confidence and cheerful support. He makes no immodest claim to perfection in his own theory, and, while we may differ from him on minor points, his courage and devotion, so amply tested, may be taken as a guaranty that he will not differ from us in the great object of saving and perpetuating the noble fabric of our American Union.

Starting from the substantial point of observation we have chosen, let us ascertain how far the ship of State has progressed in its proper course. After all this magnanimity and display of extraordinary power, what concessions has the Government obtained from the leaders of the rebellion that were not the immediate and logical results of successful war? By the overthrow of the rebel armies treason in its overt form was abated, but if we have gained any practical advantage beyond that, except by compulsory measures, a patient and discriminating people have failed to perceive it. Amid the smoke of battle and the tramp of contending legions, Abraham Lincoln issued the emancipation edict not as a concession of political right to four millions of bondmen, but in the exercise of his war powers and as a measure of military necessity to weaken the enemy and strengthen the national armies. Had its immortal author in the grim shadows of war, failed to seize the inspiration which conceived it, where are the statesmen and what their number, whose boldness gives assurance that they would have demanded emancipation at the close of the conflict as a measure of reconstruction? It may be noted as a significant fact that not a Southern State, either rebel or adhering, took any steps in this direction until after the proclamation was indorsed by the loyal party of the North, and had become the rallying cry of our conquering armies, while every one of them from the border to the Gulf denounced it as a usurpation of power, and an invasion of Southern rights. The Constitutional Amendment secured from unwilling States, in part by the bold requirements of the President, is the legitimate offspring of emancipation, while emancipation itself was but the result of military necessity. It was not statesmanship or diplomacy, therefore, but the patriot blood so nobly shed at Gettysburg and Spottsylvania, at Vicksburg and in the mountains of Georgia, that secured freedom to the slave.

But let us consider the question from a nearer standpoint. In the recent conventions assembled under executive sanction for the re-organization of their late governments, the overthrow of slavery was conceded as a fact entirely beyond their power to control, but we have looked in vain for indications that they accept emancipation as a measure of justice, or regard it as a progressive idea of the age. The expressed determination of President Johnson to follow in the footsteps of his predecessor, and adhere to the Proclamation of Emancipation, as a basis of re-construction, the probable ratification of the pending amendment to the Federal Constitution, and the Act of Congress, declaring the families of negro soldiers free, rendered absolutely futile all attempts to rehabilitate the doomed institution of American Slavery.

The early restoration of the Union upon an enduring loyal basis, is the obvious work of the hour, and its bearing upon the political and material interests of the country should not be lightly estimated. To this end, and with kindness toward all but the guilty authors of our national calamities, the energies of all good men should be earnestly directed. But in contemplating the task before us, a prudent statesmanship demands that we consider by what means it can be most successfully accomplished. I will not assume that treason would not have existed without slavery, but it may be asserted that if there had been no slavery, there would, in this age, have been no rebellion. For without an idea, or a motive, civil war for the disruption of this government could not have prevailed. Slavery, in its eagerness for perpetuity, furnished both, and thereby traitors were afforded a pretext for war. It will be perceived, therefore, that, by the total eradication of this mischievous element, we shall have abated the most exciting if not the only source of national peril. We cannot rest secure with the mere destruction of its acknowledged legal form; we must adhere to the edicts of freedom within every State, in the strictness of their letter and the fullness of their spirit. Universal Freedom and Political Equality must be defined as the cardinal principles upon which this Government shall hereafter exist. Let us have the courage to maintain that, inasmuch as these four millions of bondmen became free by the immutable fiat of the American people, so they shall be endowed with all the means necessary to practically defend that freedom against all who, under any form, pretext or subterfuge whatever, may attempt to abridge it. Place the Red Sea for all time between them and their oppressors. Let the whip and the hand-cuff remain forever broken on the field where the slave and his master fought. Animated by the spirit of justice, let us be vigilant in our efforts to correct the wrongs of the past. Record in bold letters upon the history of these times, as the deliberate judgment of this generation that "before the law" the loyal black man, the dusky defender of the flag, is at least the equal and peer of the pardoned traitor.

Add to the vicious theory of State Sovereignty, still boldly maintained by many, and renounced by none, the defiance of Federal authority, exhibited at their late elections, in rejecting from office all citizens of tried Union sentiments, the re-election of men to executive positions who had attained the most offensive notoriety in the rebel armies, the return of representatives to Congress who, on account of their treason, dare not take the oath prescribed by law, the bold avowal of purposes inimical to the future financial policy of the government, and all this, too, while begging for pardon at the feet of the President, and we have an array of testimony which completely demonstrates the impolicy of their immediate restoration to political power in the nation.

To expect a permanent or satisfactory adjustment of the Union, with States still adhering to these pernicious ideas, would, in my judgment, be the "suicide of hope." And to shield the country from the inevitable calamities of an inconsiderate or hasty restoration, let us keep these yet refractory States in political quarantine, until their inhabitants, by due repentance and healthful reflection, shall have abandoned their offensive theories, and the epidemic of treason shall have permanently abated.

How we shall deal with the authors of the late rebellion, is also a question which profoundly interests the loyal masses of our country, who so patiently endured the burdens and perils of the war, and whose yet mourning circles and desolate hearthstones too plainly tell of its calamities. "It is manifest that treason," says the President in his late Message, "most flagrant in character has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated; the truth clearly established and affirmed, that traitors should be punished, and the offense made infamous."

In this sentiment I fully concur. To excuse these men from merited punishment upon the plea that the atrocious crime of treason has been merged in the grander drama of revolution, is to render crime respectable in proportion to its enormity and magnitude. If four deluded wretches, acting upon the vicious principles imbibed from the leaders of the rebellion, can be hung for taking the life of our chief magistrate, why cannot the hempen noose be as deservedly sprung around the necks of these guilty men of higher pretensions, who deliberately sacrificed a million of precious lives upon the altar of their mad ambition? If an ignorant foreigner, a mere subordinate of Jefferson Davis, can be condemned and executed for the barbarisms of Andersonville, should this arch-conspirator, now hospitably quartered by the shores of the Chesapeake, and by whose fiendish connivance fifty thousand Northern soldiers were slaughtered in Southern prison pens, be allowed to escape the just demands of our violated laws?

The success which the American people have attained since the rebellion began, in the adoption of an enlightened and humane policy toward the African race, so long oppressed, may be regarded as a moral triumph highly creditable to our national character. The abolition of slavery, in spite of all efforts to avoid or postpone it, finally became, in the candid judgment of our intelligent statesmen, a measure of absolute necessity to the preservation of the Union. By this act, the validity of which all parties are now disposed to concede, responsibilities have devolved upon the Government as novel as they are imperative.

The magnanimous conduct of this immense population of bondmen, has contradicted the observation and experience of other Nations, and must excite in their behalf the admiration of posterity. Uuder no perceivable obligation to assist in the maintenance of a government from which they have never received either justice or mercy, and whose arm for generations had only sustained their oppressors, they nevertheless became, both in spirit and conduct, not merely the truest friends of the Union in the South, but the only friends from whose co-operation the National cause derived material aid in the entire region of the rebel States. Nor was their alliance to our cause by any means an inconsiderable accession to the disposable power of the Union. In various ways their physical efforts, always cheerfully rendered, and their knowledge of the country and its inhabitants, assisted in a large degree in overcoming the serious difficulties which so often interposed themselves to the advance of our armies through the insurgent States. While on many a field of conflict for the Union, their dusky battalions have displayed a steadiness, a devotion and courage excelled only by the tried veterans of the Northern armies.

Nor is this all. Pass by the outlines which present this war in its horrid form of carnage and blood, to those inner scenes which unfold the sublime spectacle of these black agents of mercy hovering upon the verge of battle-fields within range of bursting shells, bearing food and water to nourish the bleeding soldiers of the Union. Invoke the grateful memory of the many thousands who have been rescued from the dead lines of Andersonville and Libby, to find sympathy and protection in the rude cabin of the slave. Appeal to the fathers and mothers all over this broad land, whose sad hearts have been relieved by the return of sons long mourned as among the hapless victims of rebel cruelty!

By these numerous acts of valuable service and their unwavering fidelity to the Union, these people have placed the Government in a position towards them which should engage the gravest consideration. The act of emancipation compelled them to occupy an essentially new and responsible relation to the country. While in the condition of slavery they neither claimed nor received any political recognition, and beyond their amenability to the criminal code, the will of their masters was their only law. But, transformed from slaves to freemen, they have become invested with duties and rights which in their very nature necessarily create political relations between them and the Government.

Their emancipation was an emphatic assertion of Federal jurisdiction and authority over them, carrying with it by unavoidable implication the power to guaranty all the rights and incidents which result legitimately from it. Although, in form, a military measure, yet its validity did not terminate with the war. Independent of the Constitutional amendment, we insisted upon freedom in the Southern States as a condition of their return to the Union. This demand could not have been legally made anterior to the rebellion, but the power to do it now is clearly deducible from the position of the Government as the injured and prevailing party in the late war, exercising the right to require conditions of security from a vanquished belligerent. To maintain that we now lack the Constitutional authority to secure this freed people in the enjoyment of all the rights incident to their new condition, involves the inevitable conclusion that, on the part of the Federal Government, compulsory emancipation itself was a usurpation of power.

No large and distinct class of citizens in any community can long or successfully maintain their rights, deprived of the means to protect them against the gradual encroachments of power in the hands of others. While suffrage may not be regarded as an inherent right, yet, under a popular form of government, it becomes a political right, common to all classes from whom the duties of citizenship are required. This is the essential and manifest theory of our Republican System. We invite the foreigner to our shores, tendering him the inducement of a home and protection under the flag. At the end of five years, if he chooses to avail himself of the privilege, we confer upon him the full stature of an American citizen. No people of any recognized nationality on the globe are excluded from the benefits of our naturalization laws. And as a bounty for military services, a foreigner who has served one year in the army and received an honorable discharge, may become naturalized without any further qualification. All this accords with the sublime truth announced in the Declaration of Independence that, to secure certain inalienable rights, "Governments are instituted among men, deriving their just powers from the *consent* of the governed," and with that higher declaration that God "hath made of one blood all nations of men." And by what authority dare we declare that the loyal citizen of African descent, born upon our soil, shall, among "all men," be the solitary exception to this truth? He has worn our uniform, fought our battles, and proved true to the flag. We made him a freeman, an element of national power, and thereby a citizen, and as a citizen he obeys the laws, owns property, pays taxes, and will, when called upon again, cheerfully defend the flag. Yet there are those among us who would deny him the common political right which, more than any other, is enjoyed by all citizens under this Government. Can we satisfy ourselves that it would be expedient or wise to inflict so great a wrong upon an obedient and loyal subject? History affords no example of a Government having prospered, while violating a fundamental principle of its Constitution. This Government was not established for the benefit of any particular nationality or complexion of men, but was designed by its immortal founders as an asylum for all men who seek the shelter of its flag.

I speak now of a national necessity. Hereafter the political power of the late insurgent States must be exercised either by loyal citizens or traitors, or by both conjointly. Prejudice may dictate, but justice and sound policy will never sanction the disfranchisement of these four millions of tried people, whose loyal ballots, more formidable to treason than bayonets, would hereafter constitute them an army of occupation to the Government in the yet unquiet regions of the South.

Shall we adhere to this fundamental idea of political equality incorporated with our very existence, or must we surrender it in the hour of the nation's triumph, to the caprice of men who, by four years of desperate war, attempted to destroy the Constitution, thereby acknowledging that in spite of our greatness, the Government has ceased to contain in itself the means of its own preservation.

States in their individual capacity, must meet this vital issue by bold and decided action. Indications are not wanting that the people of this State, will pronounce upon it their calm and intelligent judgment. We have stricken from our statutes the infamous laws enacted in our early history, which denied the free negro, or the hunted fugitive the right to tread the free soil of Iowa. And it is a reflection no less gratifying, that the men through whose truculency to the slave power this black code was adopted, have long since been consigned to their political graves. Our present just laws reflect the liberal and humane sentiments of the people. We acknowledge that black men have some rights which are entitled to respect. They testify in our courts, they have the right of immigration and exit, they hold property, enjoy the benefits of our common school system, and are otherwise protected.

In the darkest hour of the late struggle for the Union, seven hundred of these black citizens stepped forward to fill the quota of Iowa under the President's call for troops. No class or people contributed so many soldiers in proportion to their numbers. The regiment thus formed, proud of the noble State whose name was borne upon their flag, served faithfully and fought bravely. Receiving the highest commendations for their good discipline and valor, they were honorably discharged at the close of the war, and are now among us. Their history belongs to the State. Their flag, torn by the storms of battle, has been received from their hands and deposited among the cherished mementoes of the war. Many of them have families, own property, and have long been among our industrious and quiet inhabitants. Have we that degree of moral courage which will enable us to recognize the services of these black veterans, and do them justice? Anticipating your friendly consideration, they have forwarded a memorial to your honorable body, asking that you take the necessary steps to secure them the right of suffrage. Shall we assume the responsibility of denying this request, while the many thousands who sympathized with the rebellion, giving aid and comfort to the enemy, are allowed to vote and hold office under our laws?

Disclaiming any authority as the organ of others, and speaking only for myself, I declare it as my deliberate and solemn conviction that the prayer of this memorial should be heard and granted.

Political equality, the object sought to be attained, is a vital principle of the American Constitution as clearly exemplified by the contemporaneous acts of the men who framed it. For in their day, freemen enjoyed the right of suffrage without regard to color, and if in any locality a distinction existed, it was a marked exception to the general rule. No danger was ever apprehended from this impartial dispensation of the elective privilege. With proper safeguards to the purity of the ballot box, I can perceive no danger in making loyalty to the Constitution and the Union, the basis of suffrage, adding thereto the qualification of intelligence. But whatever conditions may be deemed expedient, the gravest considerations of policy demand that we make them applicable to all classes, ignoring the tyrannical distinction based upon nationality or color.

Desiring no fundamental change in our political system, we seek only a practical acquiescence in those immutable principles which an enlightened patriotism, intensified by the ordeal of civil war, has indicated as the only true foundation of the American Union.

For these reasons, and because the end cannot otherwise be attained, I earnestly press upon your attention the expediency of proposing an amendment to the Constitution for striking out the word "white" from the article on suffrage, in order that, in due time, this much agitated question shall be submitted directly to the people, for their ultimate and final decision.

Every vestige of this atrocious institution must be forever obliterated from the land. No relic or memento should by left to remind posterity that the stars of our national emblem ever shone upon such a monstrous crime.

We cannot ask others to adopt this stern principle of impartial justice, if we reject it in our own State. Before we assert that the freedmen of the South should be invested with equality of political rights, let us chasten ourselves, placate our own animosity, and thus practically illustrate the sincerity of the convictions we profess to cherish.

The recent political canvass in this State was characterized by a thorough and comprehensive discussion of this subject by the opposing parties, and, while the result may not be fairly construed as a direct indorsement of free suffrage, it can nevertheless with entire accuracy be taken as a popular demand for the submission of the proposed amendment to the people.

Boldly assuming the van-guard in this great struggle for equal rights, and deliberately chosing our own path, whatever may be the action of surrounding States, our history is bond and security that we shall take no backward step. Among the first in the deadly breach for the Union, and with her tents still standing on the field, the courage and fidelity of Iowa are placed forever above suspicion. In all the great West her star is among the brightest, and her flag among the noblest.

I herewith transmit a copy of the joint resolutions adopted at the last session of Congress, proposing an amendment to the Constitution, forever abolishing slavery and involuntary servitude within the United States. These resolutions having been ratified by the requisite number of States, have become a part of the federal constitution, forever, as it may be hoped, divorcing our land and people from this national sin. Let us trust in the infinite God that slavery, with its manifold crimes, has been consigned to sleep which shall know no waking. An era of honor, of peace and unity, has dawned upon our land. As our fathers witnessed the birth of freedom amid the thunders of war, so it has been baptized at a holier font in the blood of their children. The conflict of years was finally narrowed to the sublime struggle of an hour, and in that hour after years of grief was the triumph of the bondman—the consummation of perfect liberty. Hopeful of the future, and protected by law, the American slave may now tread the land of his nativity in all the conscious pride of a freeman, realizing the fullness of the sublime truth that "all men were created equal and endowed by their Creator with the inalienable right of life, liberty, and the pursuit of happiness." No more shall he be driven by the master's whip from the home of his childhood and the graves of his kindred, a hunted fugitive seeking the boon of liberty beneath the shining stars of the North.

> "That starry flag no longer waves
> In splendid mockery o'er a land of slaves."

These resolutions having been adopted by Congress since the last General Assembly was in session, their ratification by this State has necessarily been delayed until now. To make this triumph of freedom more emphatic and glorious, let us hasten to place Iowa in the column of ratifying States. Though late at the altar, our offering will help to swell the funeral pyre of slavery. These measures—Emancipation and Enfranchisement—radiant with the hopes of millions, and dictated alike by wisdom and justice, should together receive our cordial sanction. They are intimately related as concurrent rights, and we cannot consistently grant the one and withhold the other.

Fellow-citizens of the General Assembly, let me implore you to meet this great crisis like men and patriots, fearless in the discharge of duty. This offering of freedom should not be an empty thing—a mere formality. Lay aside your prejudice against the slave when you lift the iron from his neck, and make him a man. Our 80,000 bayonets have made a wall between you and the wrongs of slavery, while ten thousand Iowa graves scattered from the banks of the Des Moines to the Atlantic sea-board, are silent, yet eloquent advocates for those who have nobly earned the rights of manhood at the price of valor and blood.

As the unfading line of history stretches back from this age to the thunders of Sinai to the sea and the wilderness through which Jehovah guided the deliverers of Israel, so may it not reach forward to that golden era when this enfranchised race shall point to the children of statesmen now living and say, "their fathers delived our fathers from the House of bondage and the Land of oppression."

William M. Stone.

SECOND BIENNIAL MESSAGE

JANUARY 14, 1868

From the Journal of the Senate, p. 12

Gentlemen of the Senate and House of Representatives:

In communicating to the General Assembly the condition of the State, as enjoined by the Constitution, I am permitted to review, with sincere gratification, a period of uninterrupted prosperity in the history and growth of our Commonwealth.

The success of our financial transactions during the last biennial term, with public and private faith co-existing and unimpaired, inspires confidence in our fiscal relations, and relieves us of any reasonable apprehension of future derangement. The prosperity of the people in their various pursuits, and the ample returns they have realized from well-directed industry, have enabled them to discharge their obligations to the State government with commendable promptitude, and impart vigor and stability to the execution of its powers.

An exhibit of our fiscal operations will show that, while we have been liberal in appropriations designed to promote the public interests, we have also been just to ourselves by observing a system of economy that has confined the total expenditures of the State safely within its available resources. The result of this considerate policy is observable in the facts that the State is not only free from embarrassment, and, as will be seen, practically exempt from debt, but the resources at our disposal, after meeting all demands, arising from current expenditures and appropriations for special and extraordinary purposes, will furnish the basis for a liberal estimate of future disbursements.

While the State disburses more revenue now than at an earlier period, yet it by no means follows that there is less frugality in the management of its finances. As a state advances in age and population, its fiscal responsibilities become more extended and complex. Not only is the necessity for ordinary outlays continued and increased, but new exigencies arise for the application of its revenue.

All governments derive their support from that form or system of taxation, which the circumstances of the country, and the condition and pursuits of its people render most expedient and available. Accordingly, a wise government will so direct its affairs, and determine the limits of its expenditures, that the revenue required for the performance of its functions may be obtained without oppression or delay. Within these legitimate boundaries, taxation ceases to be onerous, and herein also a well-constituted government exemplifies the soundness and wisdom of its financial policy.

Among the grave subjects to which your attention will be earnestly directed during the present session, none will be more important than those measures demanding special appropriations of the public revenue. While it is my conviction that the people of Iowa will freely meet taxation on a scale adequate to the maintenance of the public credit, and the proper support of their state government, I am nevertheless admonished by well developed symptoms of monetary derangement, consequent in part upon hazardous experiments with the national currency, that extravagant or inconsiderate appropriations, in the midst of this uncertainty, may produce unnecessary embarrassment.

FINANCIAL STATEMENT.

The Reports of the Auditor and Treasurer, herewith presented, will furnish you with a detailed statement of the financial transactions of the State, under the various appropriations made by the last General Assembly, and also with the estimated resources and expenditures for the present biennial period.

At the close of the fiscal term ending November 4th, 1865, there was a residue of $47,236.62 remaining in the Treasury, which entered into the resources of the period that has just expired. Including this residue, there was received into the State Treasury during the last fiscal period from all sources, $1,412,395.19, and the total disbursements during that time amounted to $1,314,654.74, leaving an unexpended surplus, November 2d, 1867, of $97,740.45.

These statements show that, notwithstanding the unusually large disbursements required under the appropriations of the last session, the increase of salaries, payments on the public debt, and the various exigencies which augmented the total of ordinary expenditures, we have, out of the revenue thus received, carried the State through the past two years without incurring new liabilities, and have left a larger balance in the treasury than has been found there at the close of any preceding fiscal period.

In order to understand this exposition more clearly, it may be well to state that nearly $300,000 of these disbursements were required under the extraordinary appropriations made to the Orphan's Home, Agricultural College, Asylums for the Blind and for the Insane, and other purposes, including also $114,000 in liquidation of the bonded debt of 1858. Deducting these items from the total expenditures, and it will be observed that the ordinary outlays of the state government during this time were materially curtailed from the former period.

The estimated expenditures for the present fiscal period is $941,659.31, and to this amount must be added, of course, such appropriations for special and extraordinary purposes as the General Assembly in its wisdom may consider necessary for the public good. The resources for the next two years are estimated at $2,175,754.21, which may be anticipated with reasonable certainty. In this amount is included $300,000 due us from the United States on claims for military expenditures, which are now in process of successful adjustment, and will, as I am advised, be audited and paid at an early day.

PUBLIC DEBT.

Since the adjournment of the last session, we have, as before remarked, discharged $114,000 of the bonded debt of 1858, leaving $86,000 unpaid; but as the bonds are overdue and the State has taken the proper steps to liquidate them, they ceased to draw interest from the first of the present month. Although these bonds were not due, yet the entire amount of them would have been paid over one year ago, if their surrender for payment could have been procured. Deeming it advisable to save for the State the accruing interest on these bonds, the treasurer and myself made diligent inquiry for them among the leading bankers of the country, but our efforts to find them, except as to the amount already paid, were unavailing. The amount required to liquidate the balance of this indebtedness is on deposit at the Metropolitan Bank, New York, and will be disbursed on presentation of the bonds.

There being no warrants outstanding, the only remaining indebtedness of the State is the $300,000 of seven per cent. bonds, issued for war and defense purposes in May, 1861, and due January 1st, 1881. Whether the holders of these bonds could be induced to surrender them for payment, in advance of their maturity, I am not advised; but if this desirable arrangement can be effected, I would recommend that out of the proceeds derived from our claims against the United States, the amount required for this purpose be appropriated and set apart. These bonds having been issued in raising money for military expenditures incurred in behalf of the Federal Government, there would be a manifest propriety in applying the proceeds derived from this source to the extinguishment of the debt thus created; or, in other words, to so manage that this debt will pay itself.

This measure may receive additional weight from the reflection that by adopting it, we shall save to the State $21,000 as interest annually paid to the holders of the bonds. The policy of permitting our obligations to remain outstanding for a series of years at this high rate of interest, when the State has the means at hand to discharge them, is one which can not be justified by principles of sound economy. But if the surrender of these bonds can not be secured, would it not be advisable, as a measure of economy, to invest the requisite amount, when received from the United States in some class of interest-bearing securities, and thereby relieve the people from the burden of this accruing interest. With the principal so invested, we could anticipate the maturity of the bonds, and effect thus early the practical liquidation of the entire debt.

The total amount anticipated from the payment of these military claims exceeds $500,000, and appearances now indicate that we shall realize the whole amount within the present year.

The record here presented, reaching back to the commencement of the late civil war, and embracing a period of imminent peril to the national government, and of grave responsibility to the States, may be contemplated with profound satisfaction by every citizen of Iowa.

POPULATION.

Twenty-one years have elapsed since this Commonwealth passed from its territorial condition, and became a member of the Federal Union. Within a period quite brief, when compared with the history and progress of older countries, this generation has witnessed the origin and marvelous growth of a state that now contains one million of inhabitants, and which, in all the elements of continued advancement and enduring wealth, bids fair to exceed the highest anticipations of its early settlers. The rapid progress we have already made under circumstances which, during most of this period, were quite unfavorable to a speedy development of our resources, is the result of obvious and natural causes. Organized out of territory which the Fathers had wisely dedicated to Freedom, with a genial and invigorating climate, with a soil of unsurpassed productiveness, and amply supplied with the materials required in the various departments of industrial enterprise, the foundations for the prosperity and ultimate greatness of this State existed at the very period of its birth.

The history of Iowa as a distinct political organization dates from July 4th, 1838, when it was created a Territory, although it was not until the 28th of December, 1846, that it became a sovereign State. We started as a Territory with 22,859 inhabitants, and, at the time of its admission, the State contained a population of 97,588, principally confined to the earlier settlements along the eastern border, and in counties most convenient of approach from the Mississippi River. Of this population the counties of Lee, Van Buren, Des Moines, Henry, Dubuque and Jefferson contained over one-half, and there were only twenty-one other counties which, at that date, had reported any inhabitants at all.

When it is considered that the State contains no navigable streams within its boundaries, that during ten years subsequent to its admission it was entirely destitute of railroad-facilities, and that more than two-thirds of the immigration was compelled to reach us by toilsome journeys over rude and often impassable wagon-roads, the subsequent rapid increase of our population appears altogether remarkable.

During the ten years that followed our organization as a Territory, the average yearly increase of population was 11,196; and during the succeeding ten years, ending in 1858, the average increase per annum was 46,404. It will be observed that this last decade embraces the heavy immigration we received from 1854 to 1856, during which years, as the older citizens will not fail to remember, the population of the State was augmented more rapidly than at any other equal period of its history. The total increase for these two years was 193,400, or a yearly average of 96,700, showing that our advance during this period was greater than the entire population under the national census of 1850, and that our increase in a single year was equal to the total growth of population from the first settlement of the Territory up to the time of our admission as a State.

We now approach a period during which, in consequence of the late civil war, the population, commerce and general progress of the State were seriously retarded. From the taking of the national census of 1860 to the close of the rebellion, a period of nearly five years, the entire increase of population was only 79,186, producing a yearly average of less than 16,000. In the midst of so much derangement and calamity, while the young and enterprising men of other States were so generally devoting themselves to the public service, and while one-ninth of our own people were connected with the national armies, it may be regarded as worthy of note that our population should have increased even to this extent. Since the return of peace, however, the State appears to have developed new energies, and received a wonderful impetus in every department of enterprise. The census returns for 1867 show a total population of over 900,000, and an addition since the census of 1865 of about 150,000, or nearly double the total amount of our growth during the five years which terminated with the rebellion.

In representing the present population of the State, I have only given the number actually returned by the different township assessors, who, in too many instances, are neither accurate nor thorough in their work. These returns having been made early in the season, include but little of the spring and none of the summer and fall immigration. They also omit the productions of the last, and confessedly most prosperous year with which Providence has blessed our State. From careful observation and a thorough analysis of the data thus furnished, I feel altogether warranted in saying that there are, at this time, not less than 100,000 inhabitants not included in the census of last year, which, added to the number returned, give us 1,000,000 as the present population of the State.

It is gratifying to contemplate that while we have thus steadily gained in population, the material wealth of the State has been augmented at a corresponding rate, and the labor and enterprise of our people have been abundantly rewarded. Upon this subject the census returns carefully compiled and published by the Secretary of State, will afford much interesting and valuable information. It will appear that with the advance of railroad enterprises, there has been a rapid appropriation of our vacant domain to agricultural purposes, and that far in the interior, and on the western slope, flourishing towns, and even cities, have sprung up at points where, until recently, the adjacent country has remained in its primeval condition. The rapid and constant yearly addition to the number of cultivated acres indicates the progress of agricultural interests, and the immense annual surplus of grain and stock, shipped to the markets of other States, demonstrate beyond all question that our soil and climate are favorable to the highest measure of agricultural development.

It is not, however, in the pursuit of agriculture alone that the enterprise and wealth of our people are advancing. In the general development of our varied resources, other departments of enterprise and of remunerative labor are likely to command a large share of attention, and realize an adequate measure of success. Our coal, peat, gypsum, rock, timber, and plentiful supplies of water, together with the various kinds of raw material produced within the State, or readily obtainable in exchange for our own productions, present the strongest inducements that can exist for the introduction and promotion of manufacturing enterprises. That these advantages are already understood and realized is sufficiently illustrated by the fact that the capital employed in manufacturing purposes, as shown by the census returns of last year, amounts to $15,757,599, and that the capital thus invested has been more than doubled within the last two years.

It would be well if the people of this State more fully realized the important fact that the various implements adapted to agricultural and mechanical pursuits, and the machinery required in various manufacturing purposes, may be abundantly supplied by the labor of their own artisans and mechanics. The vast sums now annually expended in the purchase of these articles from the princely establishments of the Eastern States should be retained to augment home capital, and encourage the enterprise and reward the industry of our own citizens. We should understand, as a grave question of political economy, that buying more than we sell, whereby the balance of the trade is turned against us, exhausts capital and prevents the accumulation of wealth. I hope to see the attention of our people more fully awakened to the importance of a subject which so intimately concerns individual interests not only, but also the general welfare of the State.

COMMON SCHOOLS.

The carefully prepared and comprehensive report of the Superintendent of Public Instruction, will explain to you the condition and progress of our common schools. If shielded, as they wisely have been for several years, from the disturbing hand of attempted legislative improvement, and if liberally sustained by an intelligent public sentiment, our common schools may continue to advance in usefulness, and become an enduring monument to the eminent men by whose wisdom this admirable system of popular education was devised.

Our law generously extends the benefits of common school education to all persons within the State, between the ages of five and twenty-one years, while in many States school ages begin at six and end at fifteen or eighteen years. In this manner the total number to be provided for is largely increased, and educational advantages are thereby more widely extended. The enumeration for 1867 shows the whole number of persons of school age to be 372,969, being an increase over the former year of 24,471. The total number of teachers employed during the last year was 10,343, and an addition of one thousand to that of the preceding year, and showing that for every number of thirty-six persons having a right to common school privileges, one teacher has been employed. There are 5,454 school-houses reported, making an average of fifty-six for every organized county in the State, many of which counties contain less than one thousand inhabitants each, and averaging over five school-houses to each organized township. And these, it should be remembered, are independent of the sixty-two academies, colleges and universities established at different points in the State.

The total amount expended for the support of common schools during the last year, was $2,069,597.82, making eight dollars and four cents paid for each pupil in attendance during the year, and five dollars and fifty-five cents per capita for the entire number of school age, and the sum of two dollars and twenty-nine cents per capita for the entire population of the State, as shown by the recent census.

Without going into farther details, I submit the foregoing facts as sufficient to illustrate the practical workings and great success of our common school system. These liberal and wise provisions for the diffusion of educational advantages impartially among the youth of all classes, furnish contributions of imperishable value to the legacy which the people of this generation will bequeath to posterity.

I heartily concur with the Superintendent in his well-matured suggestions in favor of the establishment of a Normal School, and respectfully invite your attention to the views presented on this subject in my communication to the Eleventh General Assembly.

STATE UNIVERSITY.

The report of the Trustees of the State University at Iowa City will be laid before you. The additional building provided for under the appropriation made by the General Assembly in 1864 is completed and is now in use. The high rank which such a seat of learning should occupy, the fact that it is permanently established by the Constitution and placed under our control, and that its endowment is not fully adequate to its current wants, all impose upon the State peculiar obligations. Whatever, therefore, will contribute to the advancement and promote the usefulness of this valuable auxiliary to our educational system, should be promptly afforded.

CHARITABLE INSTITUTIONS.

The reports of the proper officers having charge of the Insane, Blind, and Deaf and Dumb, prepared with evident care and much labor, will explain with intelligent particularity the past transactions and present condition of their respective institutions.

It affords me much pleasure to assure you that these institutions, under their present management, are fully sustaining the high reputation they have hitherto borne. As the State advances in population, the unfortunate class of citizens for whose benefit these institutions were designed will continue to increase in number, and require additional facilities for their accommodation and treatment. The duty of providing for these afflicted persons, is one of unavoidable obligation, and appeals, with peculiar force, to the nobler sentiments of our nature. Whatever is required to ameliorate their condition, and promote their comfort, should be promptly and generously bestowed. To withhold the means necessary to render the capacity of these institutions adequate to the growing demands upon them, because of the pecuniary burden imposed, is equivalent to saying that considerations of dollars and cents are of greater moment to the people of Iowa than the performance of Christian obligations.

The inadequacy of the building at Iowa City, now temporarily occupied as a deaf and dumb asylum, induced the General Assembly at its last session to pass an act permanently locating this institution at Council Bluffs. By this act commissioners were appointed to select the location, procure the plan and specifications for the building, receive proposals for its construction, and put the same under contract. It was also made the duty of these commissioners to report their proceedings to the Governor, on or before the first of October last, which report he was required to transmit to the General Assembly for its approval. This report was received too late for any examination at this department. I am advised by the commissioners that the delay has been occasioned by the destructive fire which occurred in that city in June last. I am informed, however, that the plan for this building has been selected, and a contract entered into for its construction, at a cost of $310,000. An eligible site has been selected for the institution, within the required distance of that thriving city. It now remains for the General Assembly to determine whether the action of these commissioners shall be ratified, and the amount of money appropriated necessary to erect this building according to the plan adopted, and at the cost agreed upon in the contract. This subject is invested with so much importance, in all its bearings, that I can not too strongly urge it upon your careful and considerate attention.

ORPHANS' HOME.

The Home established for the care and maintenance of the children of our deceased soldiers is recommended to your thoughtful care. This institution, first established as a private corporation, and supported by voluntary donations from soldiers in the army and other sources, was finally adopted by the State and taken under its exclusive authority. The principal department is established near the city of Davenport, with branches at Cedar Falls and Glenwood. By this distribution the Home is rendered more accessible to the children of the State entitled to its benefits. It affords me pleasure to state that this institution is in excellent condition, and appears to have been managed with much practical ability and economy. Schools have been established and conducted by a competent corps of teachers, thus combining educational advantages with the support of the children committed to its care.

Under the act of the Eleventh General Assembly, by which the State assumed the control of the institution, a levy of three-eighths of one per cent. was required to be made for its support, allowing eight dollars and thirty-three cents per month for each child in attendance. Since this change occurred, July 1st, 1866, the sum of $101,864.58 has been drawn upon the proper vouchers from the State Treasury for its support. The report of the Trustees, which will be submitted for your information, shows the total number of children now maintained at the Home to be 834, distributed as follows: Davenport branch, 537, Cedar Falls, 270, and Glenwood 27. The trustees recommend that the allowance for support and current expenditures be increased to the rate of twelve dollars per month, for each child in attendance, which amount, in their opinion, will furnish no more than an adequate support for the proper and efficient maintenance of the institution. They also recommend that the buildings be improved and extended, in order to provide suitable accommodations for the present and increasing number of inmates. For this purpose, according to the estimate of the Trustees, about $27,000 will be required.

This subject deserves and should receive your deliberate and considerate attention. The responsibility of providing for these children was assumed under a sense of duty to the men who nobly filled the largest measure of responsibility to the country, by laying down their lives in its defence; and, in doing this, we but discharge, to a limited extent, the highest obligation that can be imposed upon a patriotic and grateful people.

PENITENTIARY.

Your attention is respectfully invited to the condition of the penitentiary, and to the necessity which exists for additional appropriations to increase its capacity and security. The report of the Warden and accompanying documents will fully explain to you the condition and wants of this institution. The necessity for an increase of cell-room is so manifest and urgent that I trust it will receive your prompt and favorable attention. The biennial period just elapsed began with eighty-seven convicts, and one hundred and forty-eight cells, and closed with one hundred and sixty convicts, and one hundred and sixty-two cells, leaving only two unoccupied. It will be observed that the number of convicts has nearly doubled within the last two years; and with the progress of population it is but reasonable to anticipate a continual increase of crime, requiring additional facilities for the keeping and accommodation of convicts.

It should be borne in mind that these additional cells must be provided for immediately, unless the State is prepared to adopt the vicious and discarded system of doubling the convicts in their cells, which is prejudicial to health not only, but destructive of proper discipline.

With the large amount of combustible material unavoidably kept in the various workshops and about the prison inclosure, the danger from destructive fires is constant and imminent, and its occurrence would produce immense loss both to the State and the lessees of the convict labor. To provide against such a catastrophe, inasmuch as no insurance can be effected upon the buildings or their contents, it is necessary to construct a reservoir of sufficient dimensions, at some point on the prison walls, with suitable pipes and other fixtures requisite for flooding the various buildings when necessary, in any alarm of fire. The reservoir must be supplied with water obtained from the river by means of hydraulic power; all of which, as I am advised, can be accomplished at a moderate expense to the State.

The accounts and vouchers of the warden have been examined from time to time and found to be correct. The business and affairs of this institution appear to have been managed, in all respects, with commendable prudence. Its sanitary condition is excellent, not a death having occured among the convicts during the last two years, and the good order and system which prevail are evidence that the discipline of the prison is efficient and complete.

STATE REFORM SCHOOL.

The report to the warden shows that out of one hundred and sixty convicts now in the penitentiary, there are 59 under twenty-one years of age, and 34 of these vary in age from twelve to eighteen years. An examination of our criminal returns will reveal the melancholy fact that a very large and increasing proportion of those arraigned in our Courts, upon criminal accusations, are persons of tender age, many of whom find their way into the penitentiary, there to serve for a term of years in companionship with old and confirmed offenders. A large majority of these unfortunate youth are either orphans, cast out upon their own resources, or the neglected offspring of parents who are either too poor to support, or have, with criminal indifference, neglected the education and moral training of their children. Thus neglected, or deprived of the restraining influences of a well-ordered home, these unfortunate children are often driven into association with older companions, by whose corrupting manners and vicious propensities they are conducted, by sure degrees, into the perpetration of crimes, from which their better natures, if they had been properly directed, would have turned with horror.

Some years of observation and experience both as a judicial and executive officer have deeply impressed me with the conviction that the soundest considerations of public economy, and every sentiment of an enlightened and Christian philanthropy, imperatively demand the erection of a reform school, for the instruction and reformation of juvenile offenders. Instead of working the reformation of such persons, a term in the State Penitentiary, by keeping them in the pernicious atmosphere of prison-life, constantly subjected to the demoralizing influences of confirmed and hopeless criminals, only serves to prepare them for entering upon a higher and bolder career of crime.

Many other States have deemed it expedient to adopt the policy here suggested, and the signal success which has marked the experiments of Reform Schools, and their universal popularity wherever they have been tried, serves to encourage me in urging the General Assembly to establish one in this State at the earliest day practicable. For this purpose, I would recommend that a tract of land, say from fifty to one hundred acres, be procured by donation or otherwise, at some eligible and convenient point, and that an appropriation be made for the erection of suitable buildings to put the school into immediate and successful operation.

Reference should be had to the erection of workshops where these offenders may also acquire a knowledge of some mechanical art, which, combined with well-directed intellectual and moral instruction, will serve to qualify them for a useful manhood, and stimulate them to higher and nobler aims after their terms of sentence shall have expired. With the income derived from these industrial operations, the institution may also, to a great extent, if not altogether, be rendered self-sustaining.

In my opinion a subject more grave and far-reaching in its character can not engage the attention of an enlightened and humane legislator.

SCHOOL-FUND.

I respectfully and earnestly renew the suggestions contained in my biennial message to the Eleventh General Assembly, in reference to the urgent necessity of requiring the permanent school-fund, now on loan to the counties, to be returned to the State Treasury, for the purpose of a more safe and available investment.

The suggestion did not originate with me, nor am I alone in entertaining the opinion that it has become a subject of grave concern. My predecessors, Governors Grimes, Lowe and Kirkwood, wisely directed legislative attention to this subject and, in forcible terms urged the necessity of a more prudent management of this fund. In these views they were cordially sustained by the accounting and financial officers of the State, whose duties and means of observation entitled their opinion to additional consideration. But, for reasons which I am unable to understand, these wholesome recommendations have been disregarded, and this sacred fund, which the Constitution commits to our care, is permitted to float about the State under the precarious guardianship of county authorities. The immense and continued losses already resulting to the State, is deemed a sufficient argument to illustrate the impolicy of thus creating a hundred local banking shops out of this invaluable fund, designed for the education of our youth. The principal of this fund has already been diminished to the amount of over $125,000; and while the State has obligated itself to pay to the schools interest on the entire amount at the rate of eight per cent., yet the aggregate of interest actually realized, owing to these losses, is only six per cent. on the entire principal, constituting thereby an annual loss to the State in this direction of $50,000. Under the Constitution, the State is made the responsible guardian of this fund, the principal of which is intended as a permanent endowment to our common schools, the interest thereon being applied to their temporary support.

The State is thus rendered liable for every dollar of both interest and principal, and the people must inevitably be taxed to reimburse all losses which occur. How long this loose manner of performing constitutional obligations will continue, is a question which rests in the sound discretion and foresight of the General Assembly. I can not, however, divest myself of the conviction that our imperfect discharge of this solemn trust is a dereliction of duty, which must, in the calm judgment of posterity subject us to merited reproach.

The efforts of the present Auditor to obtain a satisfactory settlement with the delinquent counties have, owing to the imperfect manner in which their accounts are kept, so far resulted only in partial success. The county of Allamakee acknowledges the receipt of $113,144.61 from this fund, over $22,000 of which, so far as the State knows or can ascertain, have been lost sight of since the month of June, 1865. Losses of a similar character might be cited from other counties.

I therefore again recommend and urge the General Assembly to recall this money from the counties, and appropriate it to the establishment of normal and reform schools, or other State institutions; and that bonds be issued therefor to the school-fund, bearing interest at eight per cent., and payable semi-annually.

STATE HOUSE.

The unsafe condition of the present State House, with its cracked walls and insecure foundation, and its admitted incapacity for the purposes required, will suggest to your minds the urgent necessity for the construction of a new edifice of a size and character commensurate with the prospective demands and just pride of the State. Constructed largely of wooden materials, with articles of a combustible character scattered through its various apartments, and having no vaults or fire-proof rooms as safe depositories for the documents, libraries, and archives belonging to the State, the building we now occupy, with its invaluable contents, is at no time secure from total destruction by fire. It is impossible to contemplate the magnitude of the loss that would result to the State from such a calamity, and the bare possibility of its occurrence is deemed sufficient to command your intelligent consideration of the subject.

In the prosecution of this work, if it be done in a proper and substantial manner, we can not economically expend more than $150,000 per annum. An appropriation of this amount from year to year, basing our estimate in part upon the continued increase of taxable property, will require an average yearly assessment of less than one-twentieth of one per cent.

As to the plan and dimensions of the proposed structure, I shall interpose no views or suggestions of my own. The whole subject must be left to the considerate judgment and intelligent action of the General Assembly. We should bear in mind, however, that this edifice is not designed for the use of this generation only, but for future generations also; and in laying its foundations we should endeavor to anticipate the probable requirements of the State for many years to come.

It matters not how soon this building is commenced, or how vigorously the work may be advanced, a period of six to ten years will necessarily elapse before it can be completed, ready for occupancy. The durability of the edifice, and its perfect security from fire and other casualties, are the leading and essential objects to be kept in view, and to this end, it should be constructed entirely of stone and other incombustible material.

In my judgment every year's delay in the erection of a new Capitol, is unwisely jeopardizing the best interests of the State. I would, therefore, recommend that Commissioners be appointed to determine the plan, character and dimensions of the building, under such directions as you may consider advisable to adopt, and that they be empowered to commence the work at the earliest day practicable, and that an appropriation be made sufficient to carry it forward until the next meeting of the General Assembly.

GOVERNOR'S MANSION.

In retiring from the Executive Chair, I deem it my duty to recommend and urge upon the General Assembly, as a provision eminently calculated to advance the public service, that a suitable residence be provided for the incumbent of this office, and that he be required to reside at the Capital during his official term. While in a position to be personally affected by it, I could not with propriety have made this recommendation, and anticipating that the distinguished citizen who succeeds me may be restrained by like motives of delicacy from making it the subject of an official communication, I am constrained to avail myself of the opportunity now presented to urge this subject as a measure demanded alike by the interests and the credit of the State. Iowa is among the very few states which have not already adopted such a provision. Since its organization the Executives of the State have never been required to reside at the Capital, neither have they done so; and I feel well assured that until an Executive mansion is provided, or a material addition made to the salary, none will, in the future, desire to incur an expenditure far in excess of the compensation allowed by law. Although during the period of my first administration, in consequence of the military responsibilities it involved, the duties were unusually diversified and extended, yet even then, had my residence been at the Capital, I could have given much more attention to the ordinary business of the Executive office which, owing to absence, I was compelled to entrust to others. My own experience, therefore, as well as general observation, have impressed me with the importance of this addition to the office of Governor, and I can not, therefore, too strongly urge it upon your attention.

PUBLIC LANDS.

The report of the Register of the State Land Office will furnish the General Assembly with an accurate and comprehensive view of all matters connected with the several grants made by Congress for the benefit of the State.

Since the former report from that department was submitted, there have been patented to the State, under the several grants for educational purposes, 67,979 acres of land, all of which has been sold and patented by the State to individual purchasers. The claims for Swamp Land and Indemnity, filed by the different counties, are being earnestly pressed before the proper department at Washington, and I am able to assure you that they are gradually approaching a final and favorable adjustment. During the last biennial period, and up to the date of Col. Carpenter's report, the State has received, under the Swamp Land grant, patents for 247,947 acres, and since the date of said report patents for 42,720 additional acres have been received at the Executive office. These lands have all been patented to the proper counties, in pursuance of law and of the grant made by the State.

It will be observed that questions of an intricate and somewhat vexatious character, arising from adverse claims to lands embraced within the respective limits of the railroads and Des Moines River grants, remain unadjusted, and are likely to produce still further conflicts between these rival grantees and those who claim by purchase from them. But, as the settlement of these various and conflicting claims involves the adjudication of legal questions, and a judicial interpretation of the Acts of Congress under which these grants were made, it is obvious that legislative action, however prudently devised, will contribute but little toward their ultimate determination.

RAILROADS.

While some of the railroad companies organized under the various land grants made by the State, have failed in many respects to comply, even substantially, with the conditions of their grants, yet, in view of the many difficulties which have confronted their efforts heretofore, and the assurances now given of an earnest and vigorous prosecution of their respective enterprises, we shall, in my judgment, be fully justified in the exercise of still farther leniency toward them.

It is manifestly the part of wisdom to encourage and assist, by well conceived and liberal measures, the prosecution of these needed enterprises in our State. Any system of legislation therefore tending to their discouragement should be avoided, unless clearly demanded by considerations promotive of the public good.

I regret, however, that I am unable, with due regard for the public interest, to approve the conduct of the Dubuque and Sioux City Company, or commend their transactions to your favorable attention.

Under the provisions of the Act adopted by the General Assembly, at its extra session (in July, 1856) this company became the beneficiary of the grant designed to secure the construction of a railroad leading from Dubuque to Sioux City, and this valuable donation was accepted from the State with all the terms and conditions imposed. A large portion of this grant has already been absorbed by the company, in various ways, by pretended sales and incumbrances. This road has been constructed to Iowa Falls, a distance of one hundred and forty-three miles from Dubuque, but I am unable to discover any reliable evidence of earnest intention on the part of this company, to construct the line to its terminal point on the Missouri river.

The General Assembly need not be reminded that the development of the extensive and fertile region west of the Iowa river, would be greatly accelerated, and the State largely benefitted, by the early construction of this road as originally contemplated. It becomes our duty, in the judicious exercise of conceded authority over the subject, to so provide that the unappropriated portions of this grant shall be faithfully applied to the early completion of that enterprise. As the present company can not pretend to have complied with any essential conditions of their grant, their past derelictions and evidences of bad faith have been such as to preclude confidence in any assurances they may offer for the future.

I therefore earnestly recommend that the General Assembly pass an act, resuming to the State the control over these lands, and that they be held by state authority for the benefit of some responsible company that will prosecute this work to its final termination.

PUBLIC SURVEYS.

The surveys of the State have been entirely completed; and the office of Surveyor General discontinued by the United States. The possession of the various surveys, field-notes, maps and other records of that office by the State, is of great value for purposes of general reference and public information; and is almost indispensable to the accurate performance of the duties of the Register of the State Land Office. These archives can not be turned over to this State until the General Assembly shall by law have provided for their reception and safe keeping, and for free access to them by the authorities of the United States.

In view of the great importance of these documents, I would urgently recommend that the State at once properly accept the custody of these surveys and records, and suggest the Register of the State Land Office as the proper person to be made custodian, and his office as the most desirable place to deposit.

GEOLOGICAL SURVEY.

The report for the years 1866 and 1867, of the State Geologist and assistants, comprising all copies of the articles communicated from time to time to the papers of the State, have been received and will be laid before the General Assembly. The State Geologist has conducted the labors assigned him with praiseworthy energy and faithfulness; and, although his work, on account of its scope, is only partially performed, yet it has already developed practical information of great value to the people of the State. Whatever tends to open up and make known in authoritative and reliable form the resources of Iowa, should receive your careful attention.

I recommend that a new appropriation be made, and that Dr. White be instructed to complete the geological survey as already inaugurated, by December, 1869, and prepare in due form a full and accurate report for publication.

MISSISSIPPI RIVER IMPROVEMENT.

I am officially advised by Major-General J. H. Wilson, engineer in charge of the Mississippi River Improvement, that in prosecuting this enterprise, it will be necessary to enter upon and appropriate real estate owned by individuals, bordering upon the river.

The only restriction, imposed by constitutional provisions, upon the taking of private property for public use, is the requirement that just compensation shall be made or secured therefor to the owner. I am unable to discover any law of this State applicable to the case, and without some legal mode being provided, authorizing the accredited agents of the United States to use and appropriate the land required, unnecessary delays may occur in the prosecution of the work. In order, therefore, to avoid the likelihood of any hindrance in the advancement of this great enterprise, from the want of proper state action, and to relieve these agents from the necessity of perplexing controversies with individuals, I respectfully recommend the early enactment of a law, authorizing the United States to appropriate private real estate along the Mississippi River, to the extent of 1,500 feet therefrom in width, when required in aid of said improvement, and determining the mode of assessing the damages by jury, the United States paying or securing the compensation awarded to the owners, before using the property condemned.

Improvements designed to enlarge the avenues of commerce and equalize its advantages, are, at all times, considerations of such vital and universal importance to the country, that a more extended and explanatory view of this great enterprise may not be deemed out of place in this communication.

The only serious natural impediments interposed to the navigation of the Mississippi River, between St. Paul and New Orleans, exist along the borders of Illinois and Iowa in the form of what is known as the Des Moines and the Rock Island Rapids. These rapids, though quite dissimilar in their formation and general characteristics are so developed as to render the navigation of this great stream, at certain seasons of the year, exceedingly hazardous and sometimes impassable for boats of ordinary tonnage. By reason of these obstructions the Northwestern States especially, are deprived of the inestimable advantages which this great commercial highway would otherwise afford. By removing these obstructions a safe and uniform medium of transit would be opened to the commerce of these states, from St. Paul to the Gulf of Mexico. The annual productions of this vast agricultural region, so largely in excess of local demands, would thereby secure a cheap and reliable mode of transportation to the markets of the Atlantic sea-board. To what extent the agricultural interests of the entire North-West would be promoted by this inter-state achievement, I need not undertake to show; indeed, its real magnitude, viewed with reference to the future, surpasses all computation. In my judgment the period has arrived when the substantial interests of this portion of the country require some system of transit-facilities, whereby the enormous cost of transporting agricultural productions may be essentially reduced. The injudicious and discriminating system of railway tariffs now existing, is the subject of almost universal complaint, and by some is regarded as the most effectual means that ingenious selfishness can devise, for subordinating the proceeds of industrial pursuits to the interests of an imperious monopoly. And the people of these producing States, unless blind to their own welfare, will readily embrace that mode of transmission which imposes the lightest tax upon their productions. The profit realized by the producer is measured by the difference between the actual cost of production, and the price obtained for the commodity, after deducting therefrom the amount expended in getting it to market. It is obvious, therefore, that every dollar which the farmer pays in transport duties diminishes to that extent, the real value of his product, and augments, in like proportion, the amount of his inert capital. The sum expended in transportation, curtails the profits of the producer, and increases the cost, without enhancing the value of the product, to the consumer. The different modes of transportation being questions of relative waste or loss, considerations of economy require the adoption of the cheaper and equally available mode.

A reference to well ascertained facts, will afford us much light in solving this question. The cost of river transportation does not exceed two and one-half mills to the mile for a ton of average freight, ocean one and one-half, lake two, and canal five, while that of railway ranges from twelve to fourteen mills per mile. The loss to the producer in transportation by water, being so materially less than that by rail, most clearly recommends the former as the superior mode, whenever accessible. This comparison also discloses the fact, that the agricultural productions of this State can reach New York City at cheaper rates by river and ocean transit, than by railroad, lake and canal; and when the intermediate delays of transhipment are considered, it may not be inaccurate to assume that the latter is also a less expeditious route.

Nor is this the only or most important consideration involved. Being deprived of the advantages of continuous river transportation, the farmers of Iowa are practically excluded from the desirable markets of St. Louis and New Orleans, and deprived of the advantages which a more intimate commercial intercourse with those great cities would afford.

The most practical remedy for existing complaints will be found in the establishment of rival transit lines, and the choice of competing and equally available markets.

Commencing in the year 1829, five different surveys of these rapids have been made by engineers detailed from the military service of the United States, and acting under orders and instructions from the War Department. These surveys, though of a general character, served to develop the extent of the obstructions, and to confirm the idea that they could be permanently removed. The most thorough and scientific survey yet made is the one recently conducted by Gen. J. H. Wilson, the accomplished engineer in charge of the work.

A brief description of the character and extent of these obstructions, may serve to illustrate the feasibility of the present undertaking to remove them. The Rock Island rapids extend from the city of Davenport to Le Claire, a distance of fourteen and a quarter miles, developing a fall of about twenty-one feet between these points. The obstructions here presented consist mainly of series of reefs or chains of solid rock, with navigable spaces between them.

Such being the character and extent of these obstructions, the mode adopted for removing them is, by excavating the rock from these reefs to an extent sufficient to procure a channel of two hundred feet in width, with a low water depth of not less than four feet, which will be sufficient for the safe passage of boats, with their barges attached, during the entire navigating season. These excavations are effected by means of coffer dams, chisel boats and subaqueous blasting. This work will require the removal of about 57,000 cubic yards of solid rock, at an aggregate cost of $813,000. For this purpose Congress appropriated, in 1866, $100,000, and in 1867, $200,000. The contract for this work has been entered into, and if Congress makes the additional appropriation required, it will be completed during the summer of 1869.

The Des Moines Rapids extend from the city of Keokuk to Montrose, a distance of eleven miles, with a fall of twenty-one feet. These rapids are formed by a succession of reefs, or chains of rock, with only short intervals or "pockets" between them, and they form, during the low water season, a serious, and, at times, an absolute barrier to navigation. An attempt to establish a channel here for the passage of boats, by excavation, as at the upper rapids, was deemed utterly impracticable. For the improvement of these Rapids, therefore, the plan of a canal on the Iowa side was adopted. The proposed canal will be established in the bed of the river, except at two or three places where it will be necessary to make cuts through projecting points of land. The embankment on the river side will be protected by a "rip-rap" wall, and will be raised through its entire length two feet above the high water mark of 1851. When completed, this canal will have the capacity for floating the largest river steamers at any season of the year.

The estimated cost of this work is $2,100,000, of which Congress appropriated in 1866 the sum of $200,000, and in 1867 $500,000, and if the required amount is provided, General Wilson expresses the opinon that the entire work will be completed by the month of July, 1869.

It is hoped that Congress will not fail to make the additional appropriations required, to complete these improvements. I trust the importance of this great work will not be overlooked by the General Assembly, and, that we may aid in its advancement, I recommend a memorial and joint resolution to Congress, urging an immediate appropriation to complete the work.

I indulge the anticipation, that, in our day, this great national artery will teem with the commerce and carrying trade of the mighty States which border upon it. I hope to see magnificent cities, with their extended and ever-increasing commerce, flourish on its banks. And what people have a higher claim to the full advantages of this noble river, than they, who during the great war, bravely covered it with the national emblem, and crimsoned its waters with their blood!

AGRICULTURAL COLLEGE.

The Agricultural College building is nearly completed. This structure, in its architectural designs and mechanical execution, is one of the most imposing and substantial in the State. An appropriation will be required to furnish and prepare it for use. The farm should also be stocked and greatly improved. I recommend a liberal appropriation for the purpose of thoroughly testing by an experimental orchard the kinds of valuable fruits that may be grown in the State, and the most feasible and economical methods of cultivation.

We must not hesitate to do what is required to put this institution into practical operation. When this shall have been done, its rich endowment will be sufficient to continue and sustain it. The Board of Trustees will submit their report in due time for your information, rendering the giving of details on my part unnecessary.

STATE HISTORICAL SOCIETY.

The officers and members of the State Historical Society, whose report will be submitted, have labored with great care and commendable zeal in collecting and preserving facts and relics of various kinds for the purpose of completing and perpetuating the history of the State. This valuable labor has been performed under serious disadvantages for the want of that assistance which, in my opinion, it was the duty of the State to render. Its operations have so far been conducted by individual enterprise, and to a great extent by private means. If this society, is to be regarded as a state institution it is necessary, in order to promote its efficiency, that it be taken under state control and furnished with needed and appropriate aid.

CONSTITUTIONAL AMENDMENTS.

I transmit for your action the joint resolution of Congress, adopted June 16, 1866, proposing to the legislatures of the several States a "Fourteenth Article to the Constitution of the United States."

This proposed amendment embraces considerations of vast importance to the peace of the country; and is designed to secure in a more permanent form the dear-bought victories achieved in the mighty conflict carried on by the loyal men of the country for the preservation of the American Union. A large number of the States have already ratified the proposed Article; and the decision of the General Assembly of this State is now required, and I recommend that it be promptly and affirmatively given.

I discover, on examining the act (chapter 101, acts of 1866) proposing to the present General Assembly the pending amendments to the Constitution of this State, and prescribing the manner of publishing notice thereof, that grave doubts exist as to its regularity.

The Constitution (section 1, article 10) requires that three months' notice of a proposed amendment, be published "as *provided by law.*" In the enrolled bill which submitted it, and which required the Secretary of State to publish the proposed amendment in one paper in each congressional district in the State, the enacting clause, which our Constitution requires all laws to contain, was inadvertently omitted. In my opinion the validity of the act and of the notice published in obedience to it, admit of most serious doubts, and you may find it necessary to re-submit the proposition of the last session. The question thus presented should be carefully considered before any law is adopted by the present Legislature, finally submitting the proposed amendments to a vote of the people.

I feel assured, however, that you will not falter upon this great question of popular rights, as I shall not myself; and I know the people of Iowa will not take any backward step, or permit their flag to be lowered.

OPINION OF JUDGES.

The legislative and executive departments of the state government are not unfrequently required, in the performance of their functions, to act upon matters important to public interest, where grave questions of constitutional or statutory law are involved. The embarrassment experienced in such cases is greatly augmented by the fact that the immediate action of the department is required, when an error of judgment, in the legal questions concerned, may result in much detriment, both to public and individual rights. As the law now stands the members of the judiciary are not authorized to render any opinion upon questions, unless in the adjudication of a case regularly brought and submitted. To obviate these difficulties, some mode must be provided for a resort to judicial assistance in a manner that will render it authoritative upon the questions involved.

In many other states their constitutions provide that "the justices of the Supreme Court shall be obliged to give their opinion upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives."

This provision has been thoroughly tested in States where it prevails, and their experience has amply demonstrated its wisdom and utility. By this means also, much uncertainty and expensive litigation might be avoided in settling the constitutionality of legislative enactments. In the absence of any provision in the Constitution on this subject, I entertain no doubt that you have power to pass a law establishing such a regulation, and earnestly recommend that it be done.

COURTS.

The attention of the General Assembly is respectfully invited to the importance of introducing some material change in the structure of our judicial department, whereby the increasing business of the present courts may be curtailed, and the prompt administration of justice more perfectly secured.

The Constitution wisely provides that courts, inferior to the Supreme Court, may be established from time to time by the General Assembly. An additional court of common law jurisdiction in the more populous portions of the State, has become necessary for the speedy administration of justice, and the vindication of individual rights. To meet the present requirements, a change can be made in the organization of the county court, making it a court of quarter sessions, giving it appellate jurisdiction in causes determined before justices of the peace, and such additional jurisdiction concurrent with the District Court as you may deem it expedient to confer. This provision should be limited in its application, to counties above a prescribed minimum population. The objection that the judges of the county court are not generally chosen with a view to the performance of judicial duties, would probably cease after the court itself is thus reconstructed. Should this plan meet your approbation, it would be advisable to so provide that the new system will not go into operation until the close of the present year, and afford the people an opportunity at the ensuing fall election to select judges with reference to the increased duties and responsibilities of the new court.

COUNTY AUDITOR.

Concurring with the Auditor of State in the opinion that a change can be made in the present system of county government, which will conduce to greater accuracy and dispatch in the transaction of local business, and also render more satisfactory the fiscal relations which must always exist between the State and the counties, I recommend that a law be passed establishing the office of Auditor in all counties having 15,000 inhabitants and upward. The incompatible duties now imposed upon the clerks of the district court, rendered onerous and exceedingly complicated in the populous counties, cause much delay and sometimes fatal errors in important matters pertaining to the public revenue.

REVENUE LAW.

Under our present revenue law, and the generally loose manner of its execution, opportunities are afforded for withholding a large amount of concealed capital from the tax lists. To a great extent, moneys and credits are not faithfully returned to the assessors, and thereby much of this class of property escapes its full share of taxation. In this manner, it can not be denied, frauds are perpetrated upon the State and local revenues. This system of abuse can, in my judgment, in part be avoided. The law should be so amended as to require the assessor to take the affidavit of every person whose property is enlisted; and return the same with the tax lists as evidence for all purposes, civil and criminal. The county treasurer should also be required, upon information received that a false return of property has been made, to summon the party before him for examination under oath, and also to take other testimony and decide the case according to the facts. It should be the duty of the treasurer to do this, under a severe penalty for its omission. Such a law would doubtless produce beneficial results. Capital should not be permitted to assume any form or take any direction that will shield it from a just and equal share in the burdens of government.

REGISTER LAW.

The attention of the General Assembly has frequently been invited to the importance of a well-devised registry law, whereby increased regularity may be imparted to our electoral system, and the perpetration of frauds prevented. The purity of the elective franchise is essential to the stability and perpetuation of Republican government; and while the elective privilege should be impartially distributed, its exercise may and should be defined and regulated by statutory enactments calculated to preserve it from abuse. I therefore repeat the recommendations heretofore made, and urge the adoption of such a law.

ADJUTANT GENERAL'S OFFICE AND REPORT.

In December last, on the completion of the State Arsenal at Des Moines, I directed Adjutant-General Baker to remove his office with all the property thereunto belonging, to the Capital. This building has cost some $4,000 more than the special appropriation made for its erection, although the Commissoners have performed their duties faithfully and economically, and constructed the only fire-proof building belonging to the State. I recommend that an appropriation be made sufficient to meet this deficiency, and also to put the Arsenal and grounds in proper condition.

The report of the Adjutant General for the past year, containing the finale of the history of Iowa soldiers, and necessary to complete our record of the war, has been made to me, and will be duly submitted for your inspection. I recommend that this valuable document be printed and a sufficient number of copies ordered to supply all proper demands. The affairs of this office, from the beginning of the late war to the present time, have been conducted with distinguished ability and have reflected great credit upon the officer in charge.

CONCLUSION.

Other subjects I might have presented, but space will not permit. What has been omitted, however, your individual intelligence and collective wisdom will readily supply.

Accepting this high office at a critical juncture in public affairs, the duties which devolved upon me were grave and difficult. In the discharge of these duties I have endeavored to advance the public welfare, and my conscience acquits me of any motive incompatible with the honor of the State. Whatever errors may have occured are mitigated in the reflection, that the State has emerged from its vicissitudes, and enters upon a new period, with its finances and institutions unimpaired, with a name high on the roll of fame, and its people prosperous and contented. With these auspicious omens to cheer us, and no cloud above, the helm passes to another.

In a broader field great events have transpired. The power of treason has been crushed, although its spirit still lingers in the land. Freedom has been exalted, and a gigantic nation redeemed. From shore to shore of the great Oceans, from the Lakes to the Gulf, strong arms and resolute hearts are uniting to strengthen the institutions of liberty and perpetuate a government which their valor and blood have defended.

Will this nation pause at the threshold of destiny, and forget its noble army of martyrs? Shall the progress of the revolution started amid the carnage of war and the agonies of men, be thwarted by a perfidious arm? Iowa answers, with a voice emphatic as the thunder of her guns: NO!—NEVER! NEVER!

As there is but one Throne before which all can bow, so may there exist but one form of government for all, extending its blessings, under the providence of God, until they encircle the whole brotherhood of man.

WILLIAM M. STONE.

VETO MESSAGES

TO THE SENATE

MARCH, 14, 1864

From the Journal of the Senate, p. 443

EXECUTIVE OFFICE, DES MOINES, March 14, 1864.

Gentlemen of the Senate:

I herewith return to the Senate — being the body with whom it originated —an Act entitled "an Act to provide for the publication of an Act of this Tenth General Assembly, regulating the fees of District Attorneys," without my approval.

The Act which is intended to be published by this Act is an amendment to Chapter 19 of the Acts of the Extra Session of the Ninth General Assembly which relates to the salaries of District Attorneys, and the Act herewith returned misrecites said Chapter as of the Acts of the *Regular Session*, which entirely defeats the object intended to be accomplished. For this reason I have deemed it advisable to return this Act for the further consideration of your honorable body.

W. M. STONE.

TO THE SENATE

MARCH, 3, 1866

From the Journal of the Senate, p. 333

EXECUTIVE OFFICE, DES MOINES, IOWA, March 3d, 1866.

Gentlemen of the Senate:

I herewith return to your Honorable Body an act entitled "An act to amend Section one of Chapter one hundred twenty-eight (128) of the Acts of the Tenth General Assembly," without my approval, for the following reasons:

The act refers to the section and chapter sought to be amended, but does not specify either the session of the General Assembly by which the original act was passed, or the book in which the same may be found, thus leaving the amendatory act void for uncertainty.

It is true that the title of this act points out the original act with sufficient clearness, but as the title is not regarded as a part of the act, it cannot be resorted to in aid of this omission in the body of the act itself.

For these reasons I respectfully return this act for your further consideration.

W. M. STONE.

TO THE SENATE

MARCH 23, 1866

From the Journal of the Senate, p. 479

Gentlemen of the Senate:

I herewith return without my approval an act relative to the legalization of an election in the town of Morning Sun, in the county of Louisa in the month of April, 1865, for the formation of an Independent School District.

The act in question has no title. Section 29 of Article 3 of the New Constitution of Iowa, requires that the subject of an act should be expressed in the title, and that if a subject is embraced in an act and not expressed in the title thereof, the act so far shall be void.

I am compelled, therefore, to return the present act unapproved, for your further consideration.

W. M. Stone.

SPECIAL MESSAGES

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 22, 1864

From the Journal of the House of Representatives, p. 110

EXECUTIVE OFFICE, DES MOINES, Jan. 22d, 1864.

Gentlemen of the Senate and House of Representatives:

I herewith transmit to your honorable body a copy of the report of Edward Johnstone, Joel C. Walker, and Edward A. Layton, commissioners appointed by Chap. 16, acts of the special session of the Ninth General Assembly, to lease, on behalf of the State, the labor of the convicts in the penitentiary.

This report shows that, in discharge of the duties assigned them by said act, the commissioners advertised for sealed prosposals, by publishing notices in newspapers and distributing printed handbills through the county; and that, under the notice so given, two bids only were received, neither of which, in their opinion, was of such a character as would have been for the interest of the State to accept.

The existing lease of convict labor to Winterbotham & Jones will expire in June next, and it, therefore, becomes important that some definite arrangements should be adopted during your session for employing the convicts after that time.

It has been suggested to me by persons well acquainted with the condition and affairs of this institution, and who are desirous that the interests of the State should be properly guarded in the matter, that it would be more expedient to retain a considerable number of the convicts, and employ them in carrying out certain repairs and improvements rendered necessary by the present and prospective wants of the institution, than to hire them out before this work is done. A brief examination of this subject has impressed me favorably with this suggestion, and I respectfully submit it to your consideration.

Up to this time, for reasons unnecessary now to be enumerated, the State has derived no advantage whatever from the existing lease of convict labor, and, unless a contract can be secured upon more favorable terms and conditions, it would, in my opinion, be advisable to retain the convicts, or a large number of them, in the employ of the State, until these projected improvements are completed.

You will perceive from the report of the Warden, that there are at this time eighty convicts only in the prison, an unusually small number in proportion to the population of our State, and rendered so by causes which will be apparent to all. The number of cells in the entire building is 160, which, at former periods, have been filled, and with a surplus of convicts on hand without sufficient or safe quarters. We may reasonably anticipate that the present state of things will not long continue, and that we shall, in a few years, have an increase of convicts entirely beyond the present capacity of the prison to accommodate.

By adding another story to the main building, so as to furnish space for two more tiers of cells, and erecting suitable buildings for a hospital and for the Warden, the institution will be sufficiently enlarged to accommodate nearly 400 convicts. In the prosecution of this work, convict labor can be advantageously employed, and thus materially reduce the expense.

To my mind, these considerations render it necessary that immediate steps be taken for improving the building; and the public interests may be seriously prejudiced by delaying the matter until another General Assembly may convene.

Believing this subject to be of immediate importance, and in view of the necessity of obtaining the most direct and reliable data, as a basis for any action you may deem it wise to take in relation to it, I would suggest the appointment of a joint committee of three or more practical gentlemen, members of your honorable body, with instructions to proceed forthwith to Fort Madison, and carefully examine into the matters herein adverted to, and report the information thus obtained for your consideration.

W. M. Stone.

To Hon. W. M. Stone, Governor of Iowa:

The undersigned were appointed Commissioners to lease the convict labor of the Iowa Penitentiary, for a term not exceeding ten years, by an Act of the General Assembly of Iowa, entitled "An Act to provide for leasing the convict labor in the Iowa Penitentiary, after the expiration of the lease now in force." Approved Sept. 10, 1862.

In discharge of their duties they advertised for "Sealed proposals" for the convict labor, in whole, or in part, and gave great publicity to such notice, by advertising in a number of newspapers of large circulation, in this and other States, and by distributing printed handbills of the same purport, to all points where it was probable bids for convict labor could be obtained.

Under this advertisement, two bids were received, one for the whole, and the other for a portion of the labor, but neither of said bids were of such a character as, in the opinion of the undersigned, would be for the interest of the State to accept, or meet the suggestions in the premises of the Attorney General, and consequently they were rejected.

The Commissioners again advertised the convict labor for lease, and in their second advertisement, designated the number and size of the workshops in the Penitentiary, and the number of convicts whose labor would be leased with each shop. They circulated this advertisement widely, but received only two bids under it, each for a portion of the convict labor, but as under their former advertisement, and for like reasons, neither of said bids were accepted by the undersigned.

The Commissioners have not advertised the convict labor again, because they have no reason to believe that, under the law and the suggestions of the Attorney General, any other or more favorable or acceptable bids for the same would be made at present, than those heretofore received.

They therefore refer the whole matter, through your Excellency, to the General Assembly, now in session, presuming and hoping that some mode may be devised for the employment of the convict labor by which the interests of the State may be fully secured and protected.

They do this the more readily, as it is expected that a large number of the convicts may be profitably employed in making such additions to the Iowa Penitentiary, as its present wants and condition demand.

The law under which they hold their appointment, fixes no fees for the service of the Commissioners. They have been devoted six days, each, to their duties, and ask that proper provision may be made for their compensation.

All of which is respectfully submitted.

[Signed] EDWARD JOHNSTONE,
JOEL C. WALKER,
EDWARD A. LAYTON,
Commissioners.

FORT MADISON, IOWA, JANUARY, 1864.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 2d, 1864

From the Journal of the House of Representatives, p. 189

EXECUTIVE OFFICE, DES MOINES, Feb. 2d, 1864.

Gentlemen of the House of Representatives:

The resolution of your honorable body, calling upon me to answer certain interrogatories regarding the conduct and action of the several Railroad Companies, which are beneficiaries of the land grant made to this State by Act of Congress of May 15th, 1856, was duly presented. In reply thereto, I regret to say, that I am unable, from the meagre data within my reach, to answer your inquiries as fully as the grave importance of the information sought for demands.

I have carefully examined all the records, papers and correspondence, relating to the subjects embraced in your resolution, to be found in the public offices; and shall give you, as briefly as possible, the result of my investigations.

In the endeavor to furnish you the information desired, the important fact has been developed, that these immense transactions, so vital to the best interests of our State, have, for a series of years, been conducted in a manner contrary to my understanding of the law on the subject, and resulting, to a great extent, in a wrongful absorption of this munificent grant. Good faith to you, and to the people, seems to demand a plain exposition of these matters; and I know of no consideration which should deter me from a faithful and thorough performance of the duty imposed.

I have failed to find sufficient evidence to justify the conclusion, that any of the Companies designated have fully complied with the plain conditions of the several Acts by which they became the beneficiaries of this generous donation. If the evidence of their compliance is extant, it is due, alike to them and to the people, that it be deposited here, in its appropriate place, where it will be accessible to all, and remove all grounds for doubting the legality of their transactions.

A brief reference to the Act of Congress making this grant to the State, and the Act of the General Assembly accepting it, is necessary, in order that we may fully understand its present condition, and have sufficient light to guide us in the investigation.

Actuated by a most commendable desire to advance the interests of our State, and facilitate the rapid growth and development of the country, Congress passed an Act, approved March 15th, 1856, "making a grant of lands to the State of Iowa, in alternate Sections, to aid in the construction of certain Railroads in said State." The following is a copy of the first section of said Act:

"Section 1. *Be it enacted by the Senate and House of*

Representatives of the United States of America, in Congress assembled, That there be and is hereby granted to the State of Iowa, for the purpose of aiding in the construction of Railroads from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of Platte river; from the city of Davenport, via Iowa City and Fort Des Moines to Council Bluffs; from Lyons city, north-westerly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Makquoketa, thence on said main line running as near as practicable to the forty-second parallel, across the said State of Iowa to the Missouri river; from the city of Dubuque to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said Road, to be completed as soon as the main Road is completed to that point, every alternate section of land, designated by odd numbers, for six sections in width on each side of said roads. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections or any parts thereof, granted as aforesaid, or the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the Governor of said State to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached as aforesaid; which lands (thus selected in lieu of those sold and to which pre-emption rights have attached as aforesaid, together with the sections and parts of sections by odd numbers as aforesaid, and appropriated as aforesaid,) shall be held by the State of Iowa, for the use and purpose aforesaid: *Provided*, That the land to be so located shall in no case be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: *Provided further*, That the lands hereby granted for and on account of said roads severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any Act of Congress, or in any other manner by competent authority, for the purpose of aiding in any objects of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved from the operations of this Act, except so far as it may be found necessary to locate the routes of said Railroads through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States."

It will be observed that this Grant was made to the *State*, for the purpose of aiding in the construction of Railroads, between the points designated on the Mississippi and Missouri rivers. And by the *third* section of this Act, it is enacted that the said lands hereby granted to the said State, shall be subject to the disposal of the Legislature thereof, for the purpose aforesaid *and no other;* thus leaving it for the Legislature to select the particular Companies which were to become the beneficiaries of the Grant, and to prescribe the conditions upon which they should have their right and title to the lands.

The lands so granted, were embraced in the alternate sections designated by odd numbers, for six sections in width on each side of said roads; with the further provision that, if it should appear that any of said odd sections had been previously disposed of by the United States, or pre-emption claims had attached thereto, lands in lieu thereof might be selected, and located within a distance of fifteen miles from the established lines of each of said roads; and the Governor of the State is authorized to appoint agents to select, subject to the approval of the Secretary of the Interior, the requisite number of sections, within these extended limits.

The alternate sections, designated by even numbers, were reserved to the United States; and in order that no loss should result to them; in consequence of making this Grant to us, the price of these reserved sections was increased to double the minimum price of the public lands when sold: and none of said lands become subject to private entry, until they have been first offered at public sale, at the increased price. In contemplation of the great advantages to be secured in the construction of these roads through the State, in facilitating the settlement and improvement of the country adjacent to them, Congress conceived that the value of these lands would be thereby enhanced, and command a ready sale at the additional price fixed upon them. And thus while extending to Iowa this magnificent favor, no injustice would be done to the country at large.

This being the primary object of the Grant, it is clear that Congress intended the lands should be selected adjacent to and in advance of the several roads, as they progressed towards completion, in order to give the reserved sections the enhanced value contemplated, and bring them into market.

The fourth section of the act provides, in substance, that the lands thereby granted to the State shall be disposed of by the State *only*, in the following manner, to-wit: A quantity of land, not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles thereof, may be *sold;* and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads are completed, then another portion of the lands hereby granted, not exceeding one hundred and twenty sections, for such road having twenty continuous miles completed as aforesaid, and included in a continuous length of twenty miles thereof, may be *sold;* and so on, from time to time, until said roads are completed. And if any of said roads are not completed within ten years from the date of the grant, no further sales shall be made, and the lands unsold shall revert to the United States.

Each road is entitled to one hundred and twenty sections *before* its construction is commenced, and a like number of sections for every continuous twenty miles of road completed. No time is specified within which these twenty miles shall be constructed; but if the entire line of each is not completed to the points designated on the Missouri River, within ten years, no further sales shall be made to the State, and our right to the lands remaining unsold becomes forfeited.

For the purpose of accepting this grant, and executing the trust conferred upon the State by this act of Congress, a special session of the General Assembly was convened at Iowa City, on the 2d day of July, 1856, at which an act was passed entitled as follows:

"An act to accept the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled 'An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of railroads in said State,' approved May 15th, 1856."

The lands granted to the State by said act of Congress, were by this act granted to the following companies, respectively, to-wit:

Burlington & Missouri Railroad Company; Mississippi & Missouri Railroad Company; Iowa Central Air-Line Railroad Company; Dubuque & Pacific Railroad Company.

The only part of this act of the General Assembly to which I now deem it important to direct your attention, is the eighth section thereof, which reads as follows:

"Section 8. The grants aforesaid are made to each of said companies, respectively, upon the express condition, that in case either of such railroad companies shall fail to have completed and equipped seventy-five miles of its road within three years from the first day of December next, thirty miles in addition in each year thereafter, for five years, and the remainder of their whole line of road in one year thereafter, or on the first day of December, A. D. 1865, then and in that case it shall be competent for the State of Iowa to resume all rights conferred by this act upon the company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of by the company so failing to have the length of road completed in manner and time as aforesaid."

The conditions upon which the grants were made to the above named companies, are all contained in the foregoing section, and are plainly expressed. First, each of said companies shall complete seventy-five miles of its road by the first day of December, 1859. Second, and in addition thereto, thirty miles in each year thereafter, for five years —making in all 225 continuous miles of road. Third, the remainder of the whole line of each road in one year thereafter, or on the first day of December, 1865.

If any of said companies fail to perform either of these express conditions, then and in that case it shall be competent for the State to *resume* all rights conferred by said act upon the company so failing, and to resume all rights to the lands thereby granted, and remaining *undisposed* of by the company so failing to have the *length* of road completed, in manner and *time* as therein required.

Such being the origin, objects and conditions of the grant, let us now inquire how far these companies have, respectively, complied with the law.

MISSISSIPPI AND MISSOURI RAILROAD COMPANY.

About the first day of January, 1856, this company had their road completed from Davenport to Iowa City, a distance of 54 miles. This was four and a half months before the act of Congress granting these lands to the State, was passed. On the 25th day of August, 1859, and before any part of this road had been constructed west of Iowa City, a certificate was filed, stating that this company had completed 40 miles of their road, and that they were entitled to 360 sections of land—being the 120 sections allowed by the law, prior to the commencement of the road, and 240 sections for the 40 miles which they assumed to have constructed under the law, up to that date.

A little more than one year after this transaction took place, the affidavit of Peter A. Dey, an employee of this company, was filed, stating that 80¾ miles of their road had been completed; whereupon another certificate was made, that the company are entitled to 240 *additional* sections of land; making in the aggregate six hundred sections claimed by the company, when only 30¾ miles of road—being the distance from Iowa City to Marengo—had been constructed since the act of Congress of May 15th, 1856.

Up to the present time, this company have not completed seventy-five miles of their road, as contemplated by law; and they have, therefore, entirely failed to comply with any of the conditions prescribed in the eighth section of the act of the General Assembly, upon which they accepted the grant. The only ground upon which they can base their claim to these lands is, by receiving credit for the 54 miles of road completed before the act of Congress was passed. And even this would not bring them within the terms prescribed by the General Assembly, because they did not have seventy-five miles of road constructed, including the 54 miles previously completed, until the autumn of 1860.

Was the mode of computation adopted in favor of this Company as the basis for procuring certificates for the lands, in conformity with the act of Congress making the grant?

To my mind, the intent and object of the grant are too plainly expressed to furnish any reasonable ground justifying such a construction. In defining its object, the act declares that these lands are "granted to the State of Iowa, for the purpose of *aiding* in the *construction* of certain Railroads," and not for the different purposes of aiding in the liquidation of debts incurred in the construction of roads previously completed. And to render this intention still more manifest, the second *proviso* of the first section, as above given, declares that the land so granted shall be *exclusively* applied to the *construction* of that road, for and on account of which such lands are hereby granted; and shall be disposed of *only as the work progresses*, and the same shall be applied to no other purpose whatever.

If these views are correct, the conclusion is unavoidable, that the certificates made in favor of this Company were obtained in direct violation of law. By whom, or upon what authority, a different construction was given to the unequivocal language of this act, I am not advised.

BURLINGTON AND MISSOURI RIVER RAILROAD COMPANY.

To some extent, the action of this Company in obtaining certificates for lands, has been similar to that pursued by the company above referred to.

A portion of their road was completed and in running order to a point between Burlington and Mount Pleasant prior to the act of Congress, but the exact number of miles I have not been able to ascertain. On the 26th day of February, 1858, Edward L. Baker, President of this Company, made affidavit in Boston, that 28 miles of their road had been completed, which, of course, embraced that portion of it previously constructed. By virtue of this affidavit, 294 sections of land were certified to the Company November 9th 1859, and on the 27th day of December following, 68 additional sections were certified to them.

In September, 1859, this road was completed to Ottumwa, a distance of 75 miles from Burlington; and no further extension of the road has been made since then. By stopping at Ottumwa, the Company failed in two material points to comply with the conditions of the grant. *First*, by not constructing 75 miles of their road *after* the grant was made to the State; and, *Second*, in failing to construct 30 additional miles, in each year, since December, 1859.

The fact should not be concealed, that in the face of many and great embarrassments, this Company persevered in the prosecution of their work, and reached the Des Moines River within a reasonable time. Having reached that point and obtained under an improper construction of the grant, a certificate for their lands, they now appear to be satisfied. Whether they intend to push forward their work, or have any expectation of completing their road to the Missouri River by December, 1865, as they are required to do by law, I am not informed.

Another, and more material departure from the plain meaning of the grant has been committed in the location of their lands. Instead of selecting them in advance of their road, in consecutive order, as contemplated by law, they commenced their selections on the extreme western border of the State, about 180 miles distant from the terminus of their road. So far as the Western counties are concerned, this road might as well have remained an idle scheme in the minds of those who conceived it. Neither the counties in which these lands are situated nor the United States have derived any of the benefits intended to be secured to them, by the diversion of these lands from the ordinary mode of entry and sale. By thus withdrawing them from market and affording no equivalent, in the form of railroad advantages, the entire transaction has been a positive detriment to the best interests of that portion of our State.

An additional quantity of 56,221 acres, has since been certified to the State for the benefit of this road, but most of it is claimed by the counties as swamp lands, and suits are now pending in which the question will be determined in due time. These lands are also claimed by the Company.

IOWA CENTRAL AIR-LINE RAILROAD COMPANY.

This company, having failed to comply with the provisions of the law making it one of the recipients of the grant, the General Assembly, by Act approved March 7th, 1860, resumed the lands designed for its use; and by an Act approved March 26th, 1860, transferred the same to the

CEDAR RAPIDS AND MISSOURI RIVER RAILROAD COMPANY.

The terms and conditions upon which this transfer was made have been duly accepted by the last named company, by a proper instrument, filed in the office of the Secretary of State, under date of June 19th, 1860.

On the 1st day of December, 1861, the affidavit of W. W. Walker, chief engineer of said road, was filed, stating that forty miles of the road were completed according to law; and on the 21st day of the same month another affidavit was filed, showing the completion of 29 additional miles of said road.

I am informed that this company are pushing forward their road with much vigor, and that it is now completed to State Centre, in Marshall county. But no lands have been certified to them, because of their failure to build the branches between Lyons and Clinton, and between Marion and Cedar Rapids, as required by the 6th and 7th section of said Act. Until these conditions are performed they will not be entitled to their lands.

DUBUQUE AND SIOUX CITY RAILROAD COMPANY.

There is no data at my command from which I can determine how far the construction of this road had progressed, prior to May 15th, 1856. But I find a certificate on file, dated April, 1858, showing that the company had completed 40 miles of their road, and that they were then entitled to the accruing benefits and emoluments; another certificate, dated November, 1859, certifying to the completion of 20 miles additional; a third one, dated March 2d, 1860, showing the completion of the fourth 20 continuous miles; and a further certificate, dated April 25th, 1860, certifying to the completion of the fifth 20 continuous miles of said road.

It will be perceived that, after giving this company credit for all the road they claim to have constructed, they still fail to have 75 miles completed within the *time* fixed by law; but this defect was remedied by act of the General Assembly, approved March 7th, 1860. But the company are still in default, having failed to complete the additional 30 miles, in each year, after December, 1859.

AGENTS.

I have been unable, after diligent search, to find any record, or evidence of any kind, showing the appointment of agents by the Governor to select lands within the limits of this grant, as authorized by the first section of the Act of Congress and of the sixth section of the Act of the General Assembly, relating thereto; and, therefore, am not able to inform you by whom, or in what manner, the lands claimed by the companies have been selected, or whether they were selected in the manner prescribed by law. I presume, however, that agents were duly appointed.

SALES AND CERTIFICATES.

There are some other questions connected with the sale and certification of these lands, which are, in my opinion, of vital importance, not only to the railroad companies, but to all who may purchase and claim title under them.

The act of Congress gives the disposal of these lands to the legislature, and confers upon the *State* power to sell them. In making this grant to the State, Congress took no cognizance of the particular companies, nor was the title to these lands vested in the State. All that Congress evidently intended was to constitute the State a trustee, with the power of sale upon the performance of certain conditions precedent, for the purpose of aiding in the construction of these several roads; and a sale of the lands is necessary to a proper execution of the trust.

Was the act of the General Assembly of July 14th, 1856, transferring the rights of the State in these lands to the railroad companies, upon the conditions therein expressed, a *sale* according to the terms and meaning of the grant? Such seems to have been the interpretation given to this act by the parties, but with what propriety, it is not my province to determine. Was it competent for the State to delegate this fiduciary power to these companies?

If this interpretation be correct, it is still important to inquire, whether the proper mode has been adopted in selecting and certifying these lands to the companies; for this is the foundation of their title to the lands, and of all who may purchase from, or claim under them. The steps required to be taken in selecting and certifying these lands to the State, have already been explained, but the act of the General Assembly prescribes no mode for certifying them to the companies. This, in my opinion, is a grave defect in the law, and should be amended.

In the various certificates above referred to, I find that no regular form has been followed. The one used by Gov. Lowe in certifying lands to the Burlington and Missouri River Railroad Company is copied into the last biennial report of the State Register. (See page 67.) This certificate is *attached to the list* of lands claimed to have been selected for this company, and is doubtless the correct form. I find copies of other certificates, issued by both Governors Lowe and Kirkwood, addressed to the Secretary of the Interior, certifying to the extent of road completed from time to time by the different companies, which are correct so far as the interests of the State are concerned. But is not something more needed to complete the right and title of these companies to the lands selected?

The only certificates attached to these lists, except the one above referred to, are those of the Commissioner of the general land office, approved by the Secretary of the Interior, stating, in substance, that the lands therein described were selected by agents appointed by the State of Iowa, and that said lands are "outside of the six and within the fifteen miles limit," as prescribed by the Act of Congress, and within the line of the particular railroad. But there is no certificate or statement from any one attached to these lists, showing the completion of the road in manner and time as required by law, and no evidence whatever that any particular company is entitled to the lands selected and described.

What evidence have we, then, that these companies are entitled to the lands they claim, and will they, and their grantees, be able to maintain their titles when tested in the courts? I suggest, therefore, that it would be for the interest of all parties, to have some definite mode prescribed by law, for vesting the titles to these lands in the companies, and thereby avoid trouble and litigation.

From the foregoing statements, which I believe to be accurate, your honorable body will perceive, that all of the four companies, upon whom this grant was conferred by the General Assembly, have failed to comply with the provisions of the Act of July 14th, 1856, and that there is no reasonable probability that their roads will be completed, to the Missouri river, by the first of December, 1865, as required in said Act, nor is it at all likely, from present appearances, that they will be able to do so even by May, 1866, as required by the Act of Congress granting these lands to the State. And should they fail, in this latter respect, all the lands embraced in the grant, and remaining unsold, will revert to the United States. Without further legislation by Congress, it is obvious that we are not only in danger of losing these lands to the railroad companies, but also to the State.

The importance of this subject, in its present aspects, cannot be over-estimated; and immediate action should be taken to avoid a calamity now so imminent.

RESUMPTION.

In consequence of the failures already made by these several companies, to perform the conditions of the act of the General Assembly, it is undoubtedly competent for the State to resume all rights in these lands granted to them, and which remain unsold. This being the point at which we have arrived, the immense and varied interests involved in the question, demand that we shall take our soundings calmly, and act upon them with due deliberation.

In view of all the circumstances, would absolute resumption be wise and just? Upon this subject, I am free to confess, that I am unable at this time, to make any definite recommendation, of measures which would be entirely satisfactory to my own mind, but I do advise you to take such action only, as you may consider necessary to fully protect the rights and interest of our citizens, and at the same time be just and liberal towards these delinquent companies.

It is eminently proper that you should be reminded of the many serious embarrassments, amounting to almost insurmountable difficulties, which have beset these and all other western Companies, in the prosecution of Railroad enterprises. The monetary crisis of 1857, entirely unforeseen when these Grants were made, fell with peculiar force upon the whole country, and rendered the procuring of means, for the construction of public improvements, a matter of exceeding difficulty. Private and public enterprises alike bowed to the storm. Corporations and individuals, all over the land, became the victims of an expanded and over-burdened credit system, and were buried in its ruins. And before we had fairly recovered from these disasters the present war burst upon the country, again deranging its financial concerns and diverting trade and commerce from their legitimate channels. The laboring population were called into the public service, and all the materials needed in the construction of railways went up to almost fabulous prices.

Time need not be consumed in endeavoring to impress upon your minds the importance and utility of railroads, in promoting the welfare of our State. Sound policy requires that we should keep this steadily in view, and resist all demands for such measures as are calculated, in their results, to seriously impede the progress of our railroad enterprises. Yet, imperative as these considerations are, we should not overlook the importance of imposing suitable restriction upon these monopolies, and require of them strict accountability, and a faithful performance of their legal obligations.

The insatiate thirst for railroad supremacy, which has so effectually impressed its iron will upon some of the older States, has not yet been developed in Iowa, but, warned by their example, let us throw around these corporations, while in comparative infancy, such restraints as will enable us to control their actions after they shall have reached the fullness of their strength.

Entertaining these views, I shall co-operate with you in adopting such measures as may be deemed expedient and necessary to relieve these companies from the consequences of their failures, and upon such conditions as will secure to all our citizens, having just claims upon these lands, full and complete justice. W. M. STONE.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1864

From the Journal of the House of Representatives, p. 274

EXECUTIVE OFFICE, DES MOINES, Feb. 13th, 1864.

Gentlemen of the House of Representatives:

I have the honor to be in receipt of the resolution adopted by your honorable body, calling upon me for specific information in regard to the following subjects:

First. What person or persons, other than Mrs. Annie Wittenmeyer, were by my predecessor appointed Sanitary Agents, under the provision of Chap. 36, acts of the special Session of the Ninth General Assembly?

Second. What sum or sums of money were by my predecessor furnished to Mrs. Annie Wittenmeyer, and what sum, if any, to each other agent, under the provisions of the 3d section of said chapter, and how much of said money was expended by said agents?

Third. Whether the "needed articles" therewith purchased were furnished gratuitously to the "sick and wounded soldiers in the field," or whether such articles were sold to said soldiers, and, if so, what disposition was made of the proceeds of said sales?

Fourth. What sum or sums of money have been paid by me, or my predecessor, to Mrs. Anna Wittenmeyer, and to each of the other agents, under the provisions of the 6th section of said chapter, keeping *separate* and *distinct* the amount paid as "just and reasonable compensation," and the amount paid as "traveling expenses?"

Fifth. Whether "traveling expenses" as contemplated in said 6th section, included expenses incurred in attending Conventions, Fairs, &c., in different places in the U. States, or only those incurred in going to, remaining in, and returning from the fields or hospitals.

The importance of the information contemplated by your resolution, and of the subjects embraced within the range of its inquiries, are duly appreciated. But when I remind you of the fact, that there is no law requiring the Governor of this State to keep and transmit to his successor, a record of his official acts, or to keep an Executive office in which information may be preserved, your honorable body will readily perceive the impossibility of complying with resolutions of this character by furnishing the information called for. Anxious as I am to afford the General Assembly the benefit of any facts which properly ought to be matter of record in the Executive office, and to co-operate with them in all matters pertaining to the interests of the State, I cannot be expected to give a history of the administrations of my predecessors, when they have left no records, or even "sketches by the way," from which an authentic narrative of their transactions could be written. I intend no reflection upon these distinguished gentlemen. That they ably performed their various duties, and faithfully discharged every obligation imposed upon them by the laws of the State, is evidenced by the repeated and gratifying expressions of popular approbation they have received. And if they transmitted to me no records of their official doings it is because no provision is made for such records.

I am informed by Gov. Kirkwood, that some time after the passage of the act referred to, and in pursuance of its provisions, he appointed Dr. Enis of Cedar Rapids, a State Sanitary Agent, who, after a brief period of service, resigned his position. The Governor then appointed Dr. A. S. Maxwell, of Davenport, who served for the period of nine months, at a compensation of $140 per month, and until the commencement of my administration. From the report of this agent, which is herewith transmitted, you will have before you a history of his transactions, with an account of his expenses, &c. I have not been able to learn that any other agents were appointed by Gov. Kirkwood, under the provisions of the chapter above cited.

I also transmit to you a copy of an account stated by Gov. Kirkwood between him and Mrs. Wittenmeyer, (see exhibit "A.") which gives the aggregate of her expenditures, and the amount of compensation allowed her. From this exhibit it will be observed that she received for expenses connected with her agency, the sum of $1,850, while her total expenditures amount to $1,960.77, leaving the sum of $110.77 expended beyond the amount of money furnished her. The compensation allowed her was $100 per month, as certified to me by Gov. Kirkwood, and she was in the service of the State, under his direction, for the period of fifteen and a half months, making $1,550 as compensation, and $110.77 balance due her as stated for expenses, a total of $1,660.77, which sum has been paid to her by me, as shown by her receipt attached to said exhibit. For a more detailed statement see the report of Mrs. Wittenmeyer, now in possession of the General Assembly. I have also paid J. Dial, local agent at Memphis, $112.70, and to J. C. Todd, agent at Keokuk; $449.11, balances due them for services rendered prior to the first day of January last, and the further sum of $219.87 to Gov. Kirkwood, being the amount expended by him beyond the fund in his hands.

The Report of Gov. Kirkwood, now in possession of the General Assembly, will doubtless advise you of the items for which the contingent fund placed under his control was expended.

For the reasons already stated, I am unable to answer your resolution further.

I may be allowed to avail myself of this opportunity, to present, for the consideration of your honorable body, some observations, which, to my mind, are material as to the general management of Sanitary matters. The obligations we owe to the thousands of our brave and patriotic citizens in the field, and the desire which we all entertain to successfully discharge that obligation, will be sufficient apology for extending this communication beyond the strict limits of a reply to your resolution.

This wide field of Christian labor should engage the earnest attention of all who are capable of sympathizing with our sick and wounded soldiers, and of understanding their necessities. Whilst we admire the history of their gallant deeds, and boast of the honor they have so nobly won for the State, we should not forget the fact, that not an hour passes which does not witness the most intense anguish among these heroic men, lying in the comfortless tent, and unfurnished hospital. Prostrated by diseases which spare not, and by wounds received in the front of battle, too many of them are allowed to suffer, and die, for the want of those cheering comforts which should flow to them in unceasing streams from this highly favored and plentiful State. Our admiration, and our sympathies, should assume a tangible form. Eloquent commendations and elaborate eulogies, while they may express the grateful sentiments of patriotic hearts, do not afford substantial relief to the suffering soldier.

My own observation has fully impressed me with the conviction that our efforts in this direction, should be so classified and arranged as to insure system in our operations, and harmony and co-operation among the several agents. Without this our most earnest labors will be fruitless of good to our soldiers, and the money appropriated be uselessly expended. We may be generous and yet economical.

At least one agent should be located in each department of the army where Iowa regiments are serving, under specific instructions to remain there, and attend to the distribution of sanitary stores in the department assigned him. The stores contributed by our people, are forwarded to the field through the United States and Western Sanitary Commissions, which save us the cost of transportation. This arrangement relieves the State of a heavy expenditure. When the goods are received at the field depots of these commissions our own agents can receive them, or goods in lieu of them, and see that they are properly distributed to Iowa soldiers. Our State agents, therefore, need do no more than operate between the troops in the field and hospitals and these sanitary depots, which will afford them sufficient employment, and secure the proper distribution of sanitary stores to our men. The expense of traveling from point to point in the army will thereby be avoided by our agents, and their time may be exclusively employed, as it should be, in attending the wants of the soldiers.

The State Sanitary Commission coincide with me in the adoption of this system, and it will be carried out unless the General Assembly otherwise direct.

I shall also make personal application to the War Department, for an order requiring Quartermasters of the army to furnish transportation to our State agents, which, if granted, will save another heavy item of expenditure.

It will also be necessary, as heretofore, to keep local agents at the prominent military points within the lines of the army, such as Memphis, Nashville, Vicksburg, and others, whose duty it shall be to look after the welfare of Iowa soldiers who may, from time to time, be transferred to the hospitals at those points; and keep their friends at home, and the State authorities, advised of their condition. For this purpose I shall endeavor to have reliable and intelligent soldiers detailed from our regiments, who will discharge these duties equally well, and at less expense than civilians appointed and paid by the State for that purpose.

Salaries paid to agents should be sufficient to afford them a reasonable remuneration for their services, but not so high as to make it a matter of individual profit. Agents who are willing to undertake this great work, as a matter of Christian and patriotic duty, will, as a general rule, accomplish more good then those who are induced to engage in it by a money consideration. It may be necessary, however, to procure the services of one or two medical gentlemen, who cannot be expected to leave their practice for the same salary paid to other agents. These should be fairly compensated for their skill.

I have been induced by the grave importance of the subject and the deep interest which I know the members of your honorable body take in the welfare of our brave soldiers, to present the foregoing considerations. They are the views I entertain on this subject, and have been suggested to me by experience and observation.

W. M. STONE.

TO THE SENATE

MARCH 10, 1864

From the Journal of the Senate, p. 424

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 10th, 1864.

His Excellency Enoch W. Eastman, President of the Senate:

I desire to report to the Senate that I have not yet been able to procure the completed abstracts of titles to the lands mortgaged by members of the Capitol Building Association, to secure moneys borrowed from the School Fund, as directed by the Senate resolution of the 3d inst., and am advised by Thos. F. Withrow, Esq., the attorney selected by me to perform this labor, that it cannot be completed before next Monday.

He further informs me that from the examinations already made, the indications are that, after adding all the mortgage and judgment liens upon these lands to the years of accumulated taxes which remain unpaid, their entire value will be exhausted.

As soon as these abstracts are completed, I shall promptly report them to the Senate.

W. M. STONE.

TO THE SENATE

MARCH 14, 1864

From the Journal of the Senate, p. 443

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 14, 1864.

His Excellency Enoch W. Eastman, President of Senate:

Sir:—I herewith enclose a communication from Thos. F. Withrow, Esq., who was directed by me, in pursuance of a resolution of the Senate of the 3d inst., to examine titles to lands mortgaged by the Capitol Building Association to secure money borrowed of the School Fund; and also an abstract furnished by the Attorney General of lands in Warren county.

In connection with Mr. J. G. Weeks, who has the complete records in his possession, Mr. Withrow has been engaged upon the abstracts since receiving my order, and I regret that, on account of the great amount of labor involved, he has not yet had time to finish them.

Your obedient servant,

W. M. Stone.

TO THE SENATE

March 22, 1864

From the Journal of the Senate, p. 500

Executive Office, March 22, 1864.

Gentlemen of the Senate:

I herewith transmit to your honorable body a statement by John G. Weeks, Esq., containing an estimate of the present value of the property mortgaged by members of the Capitol Building Association, to secure money borrowed from the School Fund, together with a communication from the Attorney General reviewing in part the abstracts of titles submitted to the Senate.

Appreciating the importance of the subject to the State, and the desire of Senators to fully understand the facts before final action is had upon it, I have endeavored to obtain as clear and full a summary of the complicated liens and titles, as I could within the brief period which has elapsed since the abstracts of title were completed.

W. M. Stone.

DES MOINES, March 22, 1864.

His Excellency, Wm. M. Stone, Des Moines, Iowa:

Dear Sir:—My attention having been called to the report of the Committee on Schools and Universities, as found in the Appendix to Senate Journal, Ninth General Assembly, I would state that I have carefully examined the same, in connection with an examination of title recently made by me of the property therein described (so far as the same is found in Polk county) and find that said report is in substance correct.

I have also reviewed the estimated value of the securities, as found on page 607, and herewith submit my own estimate of the same, which is as follows, to-wit:

J. A. Williamson,	$ 650 00
W. A. Scott,	5,500 00
J. D. Cavenor,	4,750 00
J. M. & H. H. Griffiths,	3,400 00
Alexander Shaw,	2,500 00
T. K. Brooks,	1,000 00
	$17,800 00

It will be seen that the greatest variation from the report of the Committee is in the Cavenor mortgage, as I estimate the land in said mortgage higher than the estimate of the Committee. My estimate, however, is not made from actual knowledge of the particular premises mortgaged, but from a general knowledge of the value of land.

I would remark further, that the above sum of $17,800.00 must necessarily be diminished by the amount of taxes, interest and redemption which have accrued upon said lands and lots since the execution of the mortgages.

Very Respectfully,

JOHN G. WEEKS.

Office of Attorney General,
March 22d, 1864.

Governor Wm. M. Stone:

At your request I have made such an examination of the abstracts prepared by Messrs. Weeks & Foster as the limited time allowed would permit, and reviewed the memoranda before handed to you in relation to the particular titles about which there has been a question made.

I understand that the questions in regard to the value of the mortgage liens of the State arise upon the condition of the title to the property mortgaged to the Superintendent of Public Instruction by J. A. Williamson and wife and Alexander Shaw and wife.

There is no material difficulty about the title or lien upon the other property except the liens for taxes and tax titles supposed to be acquired by third persons.

The abstracts show that nearly all the mortgaged property has been sold for taxes, and particularly the property of Williamson and that of Shaw has been sold for considerable sums of money. Nearly all of these tax sales, however, appear to have been made subsequent to the taking effect of an act of the General Assembly approved April 2d, 1860—see Sections 810 and 811 of the Revision of 1860.

By the provisions of the latter Section referred to the purchaser at the tax sale acquired nothing that can affect the lien or interest of the State in the property, but took only the interest of the mortgagor, to-wit: the fee in the property subject to mortgage to the School Fund, and a right to pay off the mortgage or redeem from the State. Upon a foreclosure of the mortgage these purchasers should be made parties as subsequent purchasers, and upon failure on their part to pay off the mortgage their equity of redemption might be forever cut off by a decree of the Court.

Many of these taxes, however, were assessed prior to the passage of the law of 1860, and our city, county, and special taxes, assessed under the statutes making the tax a lien of the entire estate. Whilst the act of 1860 takes away, I think, the right to enforce such a lien as against the mortgage lien of the School Fund, it may be questionable as to whether or not a purchase under a foreclosure of the mortgage would take a perfect title as against taxes assessed prior to the act of 1860, when no sale for taxes had taken place. There is at least sufficient doubt upon this question to seriously embarrass any sale under a foreclosure of the mortgage, and one which would no doubt prevent the State from realizing the fair cash value of the property.

I have no means of estimating the value of these mortgages, or the property upon which they are liens, as I am not well acquainted with the location of the lots and lands I have never seen, and whether improved or not I am not advised.

I find also in the abstracts submitted to you that the interest of several of the members of the Capitol Building Association in the stock and building has been sold on execution. I understand the bill before the Senate proposes to guard the interests of the State in case a purchase is decided upon by providing for a perfect title before any arrangement shall take effect, and contemplates the removal of these clouds upon the title to the building now used by the State. This is prudent and necessary, and supersedes the necessity of any examination at present of that subject.

As to the property mortgaged by J. A. Williamson, the most valuable portion of it, to-wit: Lots 1, 2, 3 and 4, in block 3, and lot 4 in block 6, in Scott's addition to Des Moines, was deeded to Williamson by W. A. Scott and wife, by a defective description and was mortgaged to Andrew J. Stevens by the same description prior to the mortgage held by the State. This prior mortgage was foreclosed, and the property sold, on special execution, to T. K. Brooks, for $3,577-92-100.

Lots 7 in block 18, East Fort Des Moines, and 20 feet off west end of 11 and 12, Griffiths' Addition, are in the same situation.

The other property mortgaged by Williamson, there is no difficulty about, I believe, except the taxes and tax sales, as above.

Upon Alexander Shaw's property, the State has the first mortgage lien, and the difficulty exists in the defective description by which the most valuable portion of it, to-wit: that in Scott's Addition to "Demoine" was conveyed to him and by which he mortgaged it to the Superintendent of Public Instruction. Shaw afterwards mortgaged it to J. A. Williamson by a correct description, and the assignees of Williamson's mortgage have foreclosed this mortgage and bought it in by a correct description.

The question is, however, whether or not all of these purchasers from mortgages under Shaw, have not notice of the mistake by the existence of the same error in the only title ever of record made to Shaw. This mistake, if ever corrected, must be corrected in favor of the purchasers under the mortgage executed subsequent to the mortgage given to the School Fund, and it is questionable whether a Court of Equity would correct the original deed in favor of such purchasers, and at the same time ignore the prior equities accruing to the State under its first mortgage.

By an examination of these titles generally, it will further be seen that in platting the various additions in which these lots are situated, the law has not been complied with strictly in any instance, and the surveyor has failed to locate the plat except as part of a section of land. I do not doubt that these errors and defects might, with proper care and labor, be corrected, however, and the titles made good, but the foreclosure of these mortgages must be attended with much delay and expense.

The small piece of land in abstract No. 1298 is conveyed to Shaw by J. A. Williamson, and mortgaged by Shaw to the Superintendent of Public Instruction by an erroneous description, but this may be corrected without much difficulty, as no subsequent mortgages or sales of it intervene between the right of the State, and the original grantor to Shaw is still living.

Very respectfully submitted,

CHARLES C. NOURSE.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1866

From the Journal of the House of Representatives, p. 98

EXECUTIVE OFFICE, IOWA, January 18, 1866.

To the Honorable House of Representatives:

Acknowledging the receipt of your resolution, adopted on the 16th inst., calling for information as to the number of men credited to the State of Iowa under the one year system of credits at the time the draft was ordered during the summer of 1864, and also, what the quota of our State was (inclusive of all calls) at the time the draft above referred to was ordered, I have the honor to respectfully reply as follows:

The precise number of men furnished by this State prior to October, 1863, cannot be ascertained from any data in my possession, which is owing to the fact that from the beginning of the war up to that date, the Government kept no account with counties, townships or wards, and the State records give only the counties and post-office address of volunteers. Prior to the Enrollment Act of March, 1863, men were enlisted with reference to sub-districts, and credited to the State at large only. A large number of men from Iowa enlisted in regiments formed in other States, of which we have never been able, even by the utmost exertions, to obtain full and complete credits.

Prior to the July call of 1864, we have no record of one year recruits from this State, as all our men up to that date, except the first regiment of infantry, volunteered for the full term of three years. Our excess up to that time, under previous calls, reckoned at their equivalents in three years' men, amounted in the aggregate, to a little over 10,000, while our quota under the July call of 1864 was something over 15,000, leaving us deficient 5,000, which, under the President's Proclamation, this State was required to furnish; and, in addition to this, we were charged with the delinquent sub-districts under prior calls, making nearly 8,000 demanded of us at that time. I visited Washington in the latter part of August for the purpose of obtaining a graduation of our three-years excesses, so as to have them counted to us as one year units. This request was refused at that time, upon the ground that such was the necessity for recruiting the wasted ranks of the army, in order that the vast military operations then in progress might be successfully prosecuted, the full number of men called for must be furnished; but I was promised that, under a subsequent call, this graduation should be made. In the month of January, pending the call of December 18th, 1864, I succeeded in procuring this allowance to be made, which, together with the one-year recruits obtained by draft and voluntary enlistments, more than filled the quota, assigned us under that call.

I succeeded, however, in August, in obtaining a relinquishment of the demand for deficiencies against the delinquent sub-districts, before referred to, which reduced the aggregate number for which the draft was finally ordered in the several districts, to less than 4,000 men.

For further and more definite information on this subject, you are respectfully referred to the Adjutant General's report for 1865. W. M. Stone.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1866

From the Journal of the House of Representatives, p. 149

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 25, 1866.

Gentlemen of the House of Representatives:

In compliance with the resolution of the 12th inst., requesting me to furnish your Honorable Body with such information as I may have touching the alleged outrages and cruelties inflicted upon the members of the First Iowa Cavalry and other regiments, I herewith transmit copies of telegrams and letters addressed by me to the Secretary of War upon this subject, the action of the War Department, and other documents, which embrace all the official information at my command relative to matters comprised in your resolution.

W. M. STONE.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1866

From the Journal of the House of Representatives, p. 228

To the House of Representatives:

As requested by your resolution of the 27th ult., desiring information as to whether any lands have been certified by me to the Land Grant Railroads of this State since the meeting of the Tenth General Assembly, and if so, what roads, and the amounts respectively, together with the reasons for so doing, I have the honor to reply that no certificate or patent for lands has been issued from this Department to any of the Companies designated.

It is proper to state however, that since the adjournment of the last General Assembly, certificates have been issued upon proper evidence to the Secretary of the Interior as contemplated by law, for the completion of certain consecutive miles of road by the following named Companies: Cedar Rapids & Missouri River, 100 miles; McGregor Western, 40 miles; and the Dubuque & Sioux City, 20 miles.

Beyond the granting of these certificates nothing has been done by the State towards securing lands to any of the Companies designated by the Acts of Congress, or the laws of this State.

W. M. Stone, Governor.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1866

From the Journal of the House of Representatives, p. 243

State of Iowa, Executive Department,
Des Moines, February 6th, 1866.

Gentlemen of the House:

I have the honor herewith to submit to your honorable body a statement of the amount expended under the appropriation made by Chapter XXXII, Acts of the 10th General Assembly, for extraordinary expenses of the Executive Office, and for the relief of sick and wounded soldiers.

Amount appropriated directly to Governor..	$15,000
Amount placed under control of Census Board	25,000
Total appropriation............	$40,000
Amount drawn by Executive to pay bills incurred prior to January 14th, 1864.......	3,500
For bills incurred and paid since that date...	11,500
Total........................	$15,000
Amount allowed Executive by Census Board, March 31st, 1865, which was drawn and expended................................	$ 5,000
Amount allowed and drawn in January, 1866	700

On the 21st of September, 1865, upon statements made by R. G. Orwig, Private Secretary, as to the amounts then due from the Contingent Fund and unpaid, the Census Board made an order allowing the sum of $6,500 from the fund under their control.

Total amount drawn up to February 1st, 1866, including allowance to Executive...	$27,200
Amount refunded to Contingent Fund.......	877
	$28,077

For the total expenditure of the above there are vouchers and certificates on file, except the sum of $1,425.37, of the amount allowed to Orwig, as aforesaid, and disbursed by him.

This sum having been allowed and disbursed in my absence from the Capital, and there being no vouchers in this office to cover it, I am, for these reasons, unable to state the purpose for which the last mentioned sum was expended.

There is on file with the vouchers furnished, a statement from Mr. Orwig, verified by his affidavit, that the whole of the above sum, unaccounted for by vouchers, has been properly expended in paying legitimate demands against the Contingent Fund, and that satisfactory evidence of these payments will be obtained.

I have deposited with the Auditor of State, vouchers for the entire amount of the disbursements above referred to, numbered consecutively from 1 to 162, inclusive, which, together with the abstract herewith submitted, show the persons to whom the money has been paid, and the purposes for which the same was expended.

W. M. Stone, Governor.

TO THE SENATE

February 20, 1866

From the Journal of the Senate, p. 241

State of Iowa, Executive Office,
Des Moines, February 20, 1866.

Gentlemen of the Senate:

In reply to your resolution desiring information as to whether the Dubuque and Sioux City Railroad Company have complied with the provisions of Chapter 153, acts of the Ninth General Assembly, by executing deeds of release to the State for certain lands therein referred to, and embraced within the grant made to said Company, I have the honor to state that during the session of the 10th General Assembly, Hon. W. W. Hamilton, then at Des Moines, as the representative of this Company, gave me positive assurances that the provisions of said act should be duly complied with in all respects, and before any further certificates were demanded by the Company. Fully relying upon the assurances thus given, and not doubting that these lands had been properly released to the State, I granted a certificate, at the request of said Hamilton, in the month of July last, to the Secretary of the Interior, to the effect that this Company had completed an additional section of twenty miles of their road. The application for this certificate was presented to me at Clinton, and was based upon affidavits made by officers of the Company, setting forth that the number of miles designated had been completed by the first of said month, and in the manner prescribed by law. But I am now advised by the State Register that these deeds of release have not yet been filed in his department, and that, in this respect, the Company have entirely failed to comply with the plain requirements of the law.

Since your resolution of inquiry was adopted, I have received a letter from Platt Smith, Esq., Vice President of this Company, admitting that these deeds had not been executed, and assigning specific reasons for the default. As this communication may be regarded as an official document, expressing the views of the Company in relation to the subject in dispute, it is hereto attached and respectfully submitted for your consideration.

While I deem it proper that the Company should have the full benefit of the grounds upon which they seek to justify their non-compliance with the provisions of this act, I do not desire to be understood as entertaining the opinion that they have presented any legal or just defense of their conduct.

The peculiar circumstances under which the passage of this act was procured are doubtless known to some members of the Senate. It will be remembered that the Dubuque and Sioux City Company had failed to complete annually the amount of their road as required by act of the General Assembly, approved July 14, 1856, under which they were designated as a beneficiary of the grant made by Congress for railroad purposes, and that, in consequence of such failure, they were liable to have the lands assigned to their use resumed by the State. To relieve them from this embarrassment, indulgence on the part of the State was deemed indispensable, and earnestly solicited by the Company. Disputes between the Company and several classes of claimants, by purchase from the State of lands situated within the limits of the grant, remained unadjusted. The representatives of these claimants and the friends of the railroad agreed upon the act now in question as a basis for terminating these disputes, and its adoption by the General Assembly was secured by their united influence and concurrent efforts. The act itself presents the unmistakable evidence of a compromise. The first section prohibits the Governor from certifying to the Secretary of the Interior that any part of the Dubuque and Sioux City Railroad has been completed until after the Company shall have executed deeds of release to the State for certain lands therein designated, among which are those described as having "been sold by the State prior to the 7th of May, A. D. 1854, and also such other lands as had been sold since that date and prior to the 1st day of January, 1862." And the fourth section provides that "*in consideration of the foregoing relinquishment* by said road, the time of completion of any part of said road not now completed, *shall be extended one year* beyond the time of the taking effect of this *act.*"

By this provision, regarded by all parties as essential in giving stability to their grant, the Company obtained a full and remunerative equivalent for all the lands which the General Assembly required them to release. They readily accepted this extension of time for completing their road, and have enjoyed the benefits thereby conferred. And having since then procured a certificate which entitled them to receive 120 additional sections of these valuable lands, with the understanding on the part of the State, fully justified by the promises made by their accredited representative, that they had complied with the provisions of this law, their refusal now to execute these releases can hardly be justified by any acknowledged principle of fair dealing or good faith. The plea now interposed, that the "interest of the company in these lands had been previously conveyed to other parties," constitutes no sufficient excuse. They could at least manifest a *disposition* to comply with the law by executing the releases required of them, leaving the rights of parties, who may assert a prior title derived from the company, to be examined and determined by the appropriate tribunals. If, as they now assume, the company had parted with their interest in these lands when this Act was adopted, it will be quite difficult to resist the conclusion in view of all the circumstances of the case, that both the parties representing these claimants, and the General Assembly, were imposed upon, and that this valuable extension of time was obtained by unwarrantable means. It is by no means a violent presumption that the General Assembly acted advisedly in passing this Act; that they intended what its provisions express, and that they fully understood the rights of the parties concerned. Any title or interest in the lands, derived to other parties by contract with the company, since the passage of this Act, would obviously be invalid as against the established rights of these claimants.

Nor does it strengthen their defense to assume that the provision requiring the release of these lands was incorporated into the Act at the instance and for the benefit of the Des Moines Navigation Company. The lands sought to be released are described as having been sold by the State *prior* to the date of the contract with this company, and before which time they could not assert the least color or pretense of right; "and also such other lands as had been sold since that date, and prior to the first day of January, 1862, and then improved and occupied by actual settlers residing thereon," &c.

The object sought to be accomplished, and the intention of the General Assembly, are obvious and unmistakable. Anterior to the date of the contract with the Des Moines Navigation Company (May 7th, 1854,) the State, upon the assumption of title derived by grant from Congress, had in good faith sold these lands to its own citizens, many of whom, or their grantees, had settled upon and improved them. Some of the lands thus sold happened to fall within the limits of the grant subsequently made (May 15th, 1856,) to the State for railroad purposes. Appreciating the obligation still resting upon the State, to protect these *bona fide* purchasers from the encroachments of this company, the General Assembly attempted to discharge that obligation by adopting the Act now in question. It is therefore quite difficult to perceive in what manner the release of these lands to the State for this express purpose, could possibly inure to the benefit or advantage of the Des Moines Navigation Company.

The Dubuque and Sioux City Railroad Company are in a position too precarious, to warrant them in setting the laws of the State at defiance. The Act of Congress approved May 15th, 1856, by which this immense grant of lands was made to this State to aid in the construction of the four roads then projected respectively from Dubuque, Lyons, Davenport, and Burlington, to opposite terminal points on the Missouri River, places the grant under the absolute disposal of the General Assembly for the purposes indicated, upon the condition that, if these roads were not completed within ten years, the lands designed for any company so failing to complete its road, and so remaining unsold, should revert to the United States.

To carry out the purpose of this grant, the General Assembly was convened in Special Session, and passed the Act approved July 14th, 1856, designating the Companies which should take the lands and construct these roads. The grants were accepted by these Companies upon the following conditions expressed in the Act. 1st, That each Company should complete in running order seventy-five miles of its road by the first of December, 1859, and *thirty* miles in addition in each year thereafter for five years, making in all two hundred and twenty-five miles of road by the first of December, 1864; and 2d, the remainder of the whole line of their road to be completed one year thereafter, or on the first of December, 1865. In default of these conditions by any Company, the State expressly reserved to itself the right to resume the lands granted to the defaulting Company, and remaining undisposed of.

Not one of these conditions has been performed by the Dubuque and Sioux City Company. It is true that their failure to complete the first seventy-five miles of their road within the time required, was cured by the Act approved March 7th, 1860; but they failed to complete the number of miles required of them during the five years subsequent to December, 1859; nor is their road completed to the Missouri river, as they were required to do by the first of December last. In every respect, this Company has utterly failed to comply with the law, yet their delinquencies have all, up to this time, been generally overlooked by the State. These last mentioned failures by this Company have not, so far as I am advised, been cured by any Act, either of the General Assembly of this State, or of Congress. The Act of Congress approved June 2d, 1864, amendatory to the original grant, and allowing the several Companies therein named to change the location of the uncompleted portions of their roads, and extending the limits of their grants, cannot be construed as changing these conditions imposed by the General Assembly, so far as the Dubuque & Sioux City Company are concerned, nor indeed can it, according to my judgment, be regarded as modifying their application to any of the Companies named.

Congress has never withdrawn, or intended to withdraw, this grant from the control of the State, where it was originally placed. It would be detrimental to the public interests, and highly inexpedient, to place these Companies, in relation to this grant, beyond the superintendence of State authority; and any intention to do this, is clearly negatived by the seventh section of this act, which reads as follows:

"That all the conditions and limitations contained in the act to which this act is an amendment, and not *expressly* changed by this act, shall attach to, and run with the *grants made by this act*, except as the *said* conditions and limitations *have been* modified, and *may hereafter* be modified by the General Assembly of the State of Iowa."

Here is an emphatic recognition of the power heretofore claimed, and universally conceded to the State, over the entire question of this grant. The 8th section also provides, upon failure of either of the Companies receiving lands under this amendatory act, to complete a section of twenty miles of its road in each year after the first of July, 1864, until the whole line is completed, the lands remaining uncertified shall become subject to the disposition and control of the General Assembly, to aid in the completion of said road. The Dubuque & Sioux City Company not receiving any additional lands under this act, can claim no benefit from this provision. While I entertain no doubt whatever that the State retains complete control over the entire grant, it is perfectly clear that all the lands granted to this Company, and undisposed of, are now subject to the disposition of the General Assembly. And in general terms, allow me to suggest that none of these Companies, in relation to these grants, are beyond, or above, the sovereignty of the State, and that they may still be controlled by such conditions and limitations as the General Assembly shall see proper to attach, not inconsistent with the Acts of Congress.

In making this munificent donation of lands to aid in constructing these important lines of railway, Congress fully comprehended the manifest interests of the State in requiring them to be finished to the Missouri within ten years from the date of the grant. It was deemed proper, in withdrawing this immense body of land from market, and from the reach of actual settlers, to secure to the State, within the reasonable time thus limited, the countervailing advantages of railroad communication.

Acting upon this theory, and with the same object in view, the General Assembly, in assigning the grant to these Companies, was careful to provide that a definite number of miles should be constructed annually, and their entire lines completed by the time fixed in the law of Congress.

Yet in spite of all this precaution, and the generous forbearance which has been observed in overlooking their numerous delinquencies, it is a significant fact that not one of the Companies originally designated, has complied with the conditions of the law, and not a single mile of railway has yet been constructed west of the Des Moines river.

The progress of the entire western half of the State has not only been delayed in consequence of the withdrawal of these lands from market, and the settlement of the country immediately retarded, but this vast region is left without any immediate prospect of railroad facilities.

Notwithstanding the foregoing observations, I do not advise, nor with my present views, could I assent to immediate and unconditional resumption in any case. It is advisable that we indulge the delinquent companies still further, and so long as any hope remains of their completing their lines within a reasonable length of time. But I would, in the meantime, firmly vindicate the majesty of the State in compelling observance of its laws enacted for their regulation and government.

In the case of the Dubuque and Sioux City Company, now under consideration, I feel constrained to recommend some prompt and decisive action. If they persist in their refusal to release these lands as required of them by law, it would be eminently proper for the General Assembly to pass an Act resuming the unsold and uncertified portion of their grant.

The habitual and reckless disregard of legal obligations by railroad companies, though not yet so flagrant in this State as in many others, has nevertheless sufficiently developed a spirit of domination which, if unrestrained by well devised and stringent enactments, bids fair to result in their complete supremacy over our agricultural and commercial interests. The insatiate thirst for monopoly characteristic of all corporations established for pecuniary profit, brings them in necessary conflict with the general interests of the community, unless the utmost foresight is observed in defining the boundaries of their conduct. As indispensable aids in properly developing the resources of a country not favored with navigable streams, railroad enterprises should be carefully fostered, and all legislation calculated to retard their advancement, carefully avoided. Without the assist-ing hand of railways, such is our situation, that we cannot expect to keep pace with the progress of neighboring and competing States, or successfully maintain our appropriate position in the commercial channels of the country. Viewing with just pride the railroad lines already established, chiefly secured as they have been, by the means, the energy and enterprise of our own people, I would promote them by every liberal measure not inconsistent with public policy, and encourage their advancement into regions, however remote, which may in coming time be touched with the magic power of commerce.

So far, this fostering spirit has actuated the people of Iowa. All our legislation upon the subject of railroads, has been of an eminently encouraging and friendly character. The power of taxation has been leniently asserted, every essential prerogative promptly granted, and no measure in the least degree restrictive of their broadest privileges has been adopted. And now without manifesting any disposition to depart from this wise and generous policy, or necessarily developing a disposition inimical to our railroad enterprise, we may, it seems to me, safely demand of them a respectful obedience to the laws of the State.

If we lack the power to require this now, while railroads are in their infancy, I cannot, without serious apprehension, contemplate the period when these immense monopolies, with their combined power, shall have attained the maturity of their strength. It will be difficult to convince the people of Iowa by any subtlety of technical deduction, that they have parted with the power of ultimate control over the railroad companies within their State.

That inherent legislative sovereignty, which can only be circumscribed by express constitutional restrictions, is surely not prepared to surrender its power to the ill-disguised ambition for ultimate corporate supremacy. If this power has been surrendered, it would be well to ascertain when and how the surrender was made. Aided in their work by a liberal public donation, to the extent of the immense grant of lands given to their use, with the delegated right of eminent domain, they have become so far invested with a public character as to subject them to legislative control, for all purposes dictated by sound policy and the public interest. In my judgment the time has arrived when the extent of our authority over railroad corporations within the limits of this State, should be ascertained and definitely fixed. If those already existing are to become our masters, and the worst of masters too, instead of servants as originally contemplated, it is highly important that we so amend the general incorporation laws of the State, as to place future companies under the control of legislative authority.

The importance of the subjects adverted to will, I trust, be a sufficient apology for departing from a strict response to your resolution.

W. M. Stone, Governor.

Dubuque & Sioux City Railroad Company,
Dubuque, Iowa, 7th February, 1866.

Hon. W. M. Stone, Governor of Iowa:

Dear Sir:—I am informed that the Legislature has called upon you for information whether our company filed a release of certain Des Moines River lands with the State Register, in pursuance of the act of April 7, 1862. No such release has ever been made or filed; and if we had made and filed the release as required by law, it would not have taken effect upon anything, for the reason that the Dubuque & Sioux City Railroad did not own a foot of land described, at the time, but had previously conveyed it to third parties.

Another reason was that the act, although it would, at first blush, appear to be made for the benefit of actual settlers, was actually gotten up by the Des Moines River Navigation Company with the view of defrauding us out of all the lands in the neighborhood of Fort Dodge, known as Des Moines River Lands.

If the title to the lands had been in the company, and if we had made a release, as required by the act, the Des Moines River Navigation Company would have been successful in their designs.

Now, I submit to your Excellency that the Legislature has no right to compel us to convey lands without any consideration, which have been donated for the purpose of being sold for a valuable consideration, to aid us in building the road. Further, the Legislature has certainly no right to require us to convey or release lands which we have previously sold to other parties. Neither yourself nor the Legislature, intended to have the entire Des Moines River lands turned over to the defunct Navigation Company; yet such was the whole scope and intent of the act. These are the reasons why no release has ever been filed.

As to actual settlers, Judge Hamilton and Mr. Bassett made an examination at Des Moines, and also in Webster county, for the purpose of ascertaining who were actual settlers, such as ought to be protected. After the list was perfected, we purchased all the lands to which a shadow of claim ought to be set up, and probably several tracts more. We hold the deed now for the purpose of making the title good to such actual settlers as ought to receive a title; and instead of making a bare release, which would be a literal compliance with the law, we propose to make a conveyance. It was understood between Judge Hamilton and Mr. Bassett that either the State or the settlers should pay us a dollar and a half an acre; and these are the terms on which the company is willing to convey. We are not authorized to give any lands. The Act of Congress, and the general principles of the Constitution and law of the land forbid the making of laws which require either a person or a corporation to convey lands without any consideration. The company is willing to leave this matter to yourself, Senator Bassett and Judge Hamilton, to ascertain the names of actual parties who ought to be protected, and have conveyances made accordingly. Judge Hamilton is not able to attend to business at present. What do you and Senator Bassett say to this proposition?

I shall be glad to hear from you at an early day.

I am yours very respectfully,
PLATT SMITH, Vice-President.

TO THE SENATE

FEBRUARY 21, 1866

From the Journal of the Senate, p. 251

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, February 21, 1866.

Gentlemen of the Senate:

In reply to your resolution requesting the Governor and Attorney-General to inform the Senate what steps, if any, have been taken by them touching the matters embraced in the resolution adopted by the House of Representatives of the Tenth General Assembly in regard to alleged misconduct of the former State Treasurer in disposing of certain portions of the public funds, I respectfully submit the communication hereto appended from Hon. C. C. Nourse, late Attorney-General, who examined the evidence in said case, and gave me his opinion thereon. I will add also that this opinion of the Attorney-General, rendered after a careful examination of all the facts which would have been attainable by the State in an action against the late Treasurer, seemed quite conclusive against the propriety of instituting such a proceeding.

As the resolution of the last House of Representatives was merely advisory, I did not deem it prudent to invoke judicial action in the case against the well considered advice of the Attorney-General.

W. M. Stone.

Des Moines, Iowa, February 16, 1866.

Hon. William M. Stone, Governor:

Dear Sir:—In compliance with your request, I herewith hand you a written statement of what I said to you in conference shortly after the adjournment of the Tenth General Assembly, in relation to the affairs of the former Treasurer of State upon the matters referred to in a resolution of the House of Representatives of that session by which the Attorney-General and the Governor were requested, substantially, to examine certain evidence taken by the Committee on Expenditures, and to take such action in relation thereto as they thought the public interests required.

I stated to you that I had examined the evidence referred to, and found it contained substantially what I had before been advised the witnesses were willing to state, that immediately upon the retirement of the former Treasurer of State, it was currently reported that the former deputy of that office had intimated that there had been misconduct on the part of the Treasurer in relation to the disposition of "gold" in the State Treasury. Gov. Kirkwood's attention had been called to these rumors, and some effort had been made to ascertain the facts in connection therewith.

At a former special session of the General Assembly, a law had been passed requiring County Treasurers to pay over in *kind* the specie in their hands collected for State revenue. There was no law however requiring any officer to keep an account of the kind of moneys paid into the Treasury. Neither was there any law prohibiting the payment of gold upon ordinary revenue warrants, or making any distinction between the funds in the Treasury. Under these circumstances we found it impossible to ascertain what amount of *gold* had been paid into the Treasury, or what amount had been at any time legitimately paid out. We discovered that the Treasurer had been from time to time paying out this gold in his discretion upon ordinary revenue warrants, but we could obtain no evidence that he ever was induced to do so from motives of profit to himself, and as there was no statute at that time in force forbidding the Treasurer from paying out gold as other money, I then advised Governor Kirkwood as I advised you that no liability was incurred by the Treasurer in so doing.

The Deputy Treasurer, whose testimony was taken by the Committee, is at a loss to state any amounts. He does not pretend at any time to have counted the gold in the Treasury, or to have ascertained what amount at any time was taken from the safe for any purpose. Neither does he give any clue or information by which any testimony could be obtained as to any sale of gold by the Treasurer. On this subject diligent inquiry was instituted so far as it could be done without unnecessary injury to the character of individuals. Nothing was discovered. It was found that a bad state of feeling existed between the Deputy and the Treasurer, and that the latter claimed to have serious cause of complaint against the former, and there was at least such circumstances attending these charges as to give color to the idea that they had been to some extent, at least, prompted by personal feeling. Under these circumstances I advised you as I had advised Governor Kirkwood, that until some facts were developed other than yet disclosed, I thought any suit or prosecution in regard to the matter was wholly inexpedient.

There was one matter developed by the evidence before the investigating committee not referred to above, and that was the evidence of a witness tending to show that he had borrowed State Funds from the State Treasurer for the purpose of speculating in war and defense warrants, and had shared the profits of the speculation with the Treasurer. If it was true that this was State money, and the witness knew the money was that of the State, I was of the opinion that both the Treasurer and the witness were jointly and severally liable to the State for any speculation made out of the money. The evidence, however, shows only that the money was taken from the public safe. The Treasurer might very properly keep his individual money there for safe keeping, if kept separate from the State money. The amount was small, and if all the witnesses testified to remained uncontradicted, the profits of the Treasurer were only about one hundred dollars.

I was of opinion that if any suit was brought, all who had obtained any advantage from the speculation should be required to refund, and as this course would seriously impair the interest that the witness might feel in the prosecution, I thought it doubtful about establishing that the State funds had been used at all.

The amount was too small to make a suit in any event pecuniarily profitable to the State, and I thought it best to do nothing with it.

Yours very truly,
[Signed] C. C. Nourse,
Formerly Attorney General.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1866

From the Journal of the House of Representatives, p. 298

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, February 26th, 1866.

To the House of Representatives of the State of Iowa:

In reply to your resolution this day adopted, requesting me to furnish the House of Representatives with a list of the vouchers, referred to in my late communication to the General Assembly, relating to extraordinary expenses of the Executive Department, showing the number, to whom paid, and amount of each of the several vouchers, as required by Section 27, of Chapter 32 of the Acts of the 10th General Assembly, I have the honor to state that I have already, in my communication of the 6th instant, furnished your Honorable Body with the list called for, which list embraces fully all the information contemplated by your resolution.

W. M. STONE, Governor.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 15, 1868

From the Iowa Legislative Documents for 1868, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 15, 1868.

Gentlemen of the Senate and House of Representatives:

In compliance with the requirement of the Constitution, that the Governor "shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remissions of fines and forfeitures shall have been made, and the several amounts remitted," I herewith submit the following list of pardons and remissions, there having been no cases of reprieve or commutation:[1]

W. M. Stone.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

January 15, 1868

From the Iowa Legislative Documents for 1868, Vol. II

State of Iowa, Executive Department,
Des Moines, January 15, 1868.

Gentlemen of the Senate and House of Representatives:

In obedience to the provisions of Section 27, Chapter 93, Acts of the XI General Assembly, making an appropriation for extraordinary expenses for the Executive Office, and the liquidation of unpaid claims—contracted under the prior term,—I have the honor to report the following as the amounts drawn and disbursed up to the present date:

Since the date of the report made in the Senate, February 1, 1866, and before the taking effect of the above mentioned act, there was drawn, under Section 27, Chapter 32, laws of 1864, for payment of demands existing against said fund, the sum of $3,052.08.

Under the Act of the Eleventh General Assembly there has been drawn the sum of $455.25, making the total drawn under both appropriations, since the date of my last report, the sum of $3,507.33.

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[1] The "List of Pardons and Remissions for the years 1866–7" may be found in the Iowa Legislative Documents for 1868, Vol. II.

To this amount should be added the sum of $32.20, being amount on hand at the date of said last report, thus leaving me chargeable altogether with the sum of $3,539.53.

Of the amount thus debited to me, I have expended in liquidating old claims properly chargeable to the fund, as contemplated by law, and for extraordinary expenses of the Executive office, the sum of $3,343.71, as will be seen by reference to vouchers 1 to 31 inclusive, now on file in the office of Secretary of State, leaving in my hands unexpended the sum of $195.82. This amount I have passed over to my successor, and taken this receipt therefor, which is on file as voucher 32, with those above mentioned.

CLAIM OF COL. GEORGE COWIE.

I desire to call the special attention of the General Assembly to the claim of Col. George Cowie, who, since the 11th day of May, 1866, has been acting under executive appointment as agent for this State in procuring back pay, bounties, commuted rations, and other claims for our soldiers at Washington City.

This gentleman has devoted assiduous labor and great attention to the business pertaining to this agency, and through his individual efforts, as the accredited agent of the State, much valuable work has been accomplished for the soldiers of Iowa, and thousands of dollars collected and paid over to them, which had been unreasonably delayed for the want of proper attention at the several departments.

I am personally aware that he has devoted much time to, and expended his own means in the transaction of this business, and that for the service he has received no compensation from the State, or from the soldiers for whom he has labored.

Knowing that much of this kind of business would receive more prompt attention, and be greatly expedited if presented and urged by one having authority as a general agent of the State, than if dependent upon the efforts of private agents, acting for a compensation from the claimant, I deemed it advisable to constitute some reliable person agent to perform this duty. I was also advised that one class of military claims, under a rule adopted by the Department, would not be sent to any other than a State agent duly appointed and recognized.

There having been no appropriation made for this purpose, Col. Cowie accepted the appointment, knowing that compensation for his services depended entirely upon the ratification of my appointment by the General Assembly, and agreeing, in view of this fact, that, if it was not ratified, no remuneration could be received.

In my judgment these faithful and efficient services and generous expenditure of private means are deserving of recognition, and some reasonable compensation should be awarded.

I therefore recommend an appropriation of eight hundred dollars for this purpose, which amount will be no more than a fair compensation for services actually rendered, and but a tithe of the sum which the soldiers thus served would have been compelled to pay to private agents.

COMMISSIONER TO PARIS EXPOSITION.

An arrangement was entered into between the General Government and the Imperial authority of France, by which the privilege was extended to each of the American States to appoint one Commissioner to represent it at the Universal Exposition at Paris during the spring and summer of 1867.

The Commissioners thus selected were authorized to take charge of all articles forwarded by their respective States, and designed to be exhibited at this industrial exhibition. Congress having provided means for the transportation and selected an agent to represent this country and exercise a general supervision over its productions after arrival at their destination. The Government however did not undertake to defray the expenses of the State Commissioners, and inasmuch as the General Assembly failed to make any appropriation for this purpose, I was not prepared to have our State represented on that occasion in a manner at all compatible with its high standing and just fame as an industrial and producing country. But through the energetic efforts and commendable perseverance of Dr. J. M. Shaffer, Secretary of the State Agricultural Society, many valuable specimens of our geological, mechanical and agricultural productions were obtained and forwarded through the channels prescribed by the Federal Government, and were, as I am informed, exhibited in a proper manner at the Exposition.

Dr. Otto Thieme, of the city of Burlington, accepted the Commission to act for this State, and rendered whatever service it was possible under the circumstances, in having this State favorably represented during the continuance of the exhibition. The report of his doings and observations is herewith submitted for the consideration of your honorable body. No promise was made by me that this Commissioner should receive any compensation for his services, and he accepted the commission with an understanding that an account of his doings should be presented to the General Assembly for such action in the premises as might be considered expedient. This report contains much interesting and practical information, and I respectfully recommend that it be printed, in order that its contents and merit may be more fully understood, and that you may thereby determine more satisfactorily whether the Commissioner has entitled himself to any compensation for the services rendered.

W. M. Stone.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

January 15, 1868

From the Iowa Legislative Documents for 1868, Vol. II

State of Iowa, Executive Department,
Des Moines, January 15, 1868.

Gentlemen of the Senate and House of Representatives:

I have the honor herewith to present to the General Assembly the report of Colonel J. N. Dewey, containing a full and satisfactory account of the settlement which has recently been obtained with the Treasury Department at Washington, of the claims for military disbursements made by the State, and alluded to in my recent biennial message.

The total amount of claims on file at the United States

Treasury, on account of expenditures incurred in raising troops for the Federal Government, was $647,563.78, of which the sum of $619,717.24 has just been allowed and passed to the credit of the State.

Against this credit the State stood charged with the sum of $384,274.80 as our proportion of the direct tax levied upon the several States, under the Act of Congress approved August 5th, 1861, as fully explained in my message to the Eleventh General Assembly, and the payment of which was assumed by the Act of the General Assembly approved January 31st, 1862, and charged against us by the United States Treasury.

In addition to this the State stood debited at this Department with the sum of $100,000.00, advanced by the General Government on account of military expenditures in 1862, making a total charge against the State of $484,274.80, which being deducted from the amount allowed the State, as above mentioned, leaves a balance of $135,442.44 due us from the United States. This amount I have just received by proper draft from the hand of Col. Dewey, and the same is now in the State Treasury.

There remains of the claims on file at the United States Treasury the sum of $27,846.54 which still remains disallowed and suspended subject to readjustment. In addition to the foregoing there are, for future settlement, claims for military expenditures against the Federal Government of about the sum of $388,000.00, the allowance of the most of which, if properly presented and urged, we may anticipate with reasonable certainty. And in order that a favorable adjustment of these claims may be hastened and procured without unnecessary delay, I respectfully recommend that Col. Dewey be retained as agent of the State in the transaction of this business with an adequate and liberal compensation, and that authority be conferred upon him to proceed immediately to file and present the same to the proper department at Washington.

I may be permitted to congratulate the General Assembly that we have finally succeeded, after great delay, in obtaining this act of justice to our State, and of the encouraging prospects for receiving the additional sums due us from the United States. Perhaps no State has succeeded in obtaining a larger percentage of its war claims; and our success is undoubtedly attributable to the fact that these claims had been incurred by the State in the most faithful and prompt discharge of its duties to the country during the dark hours of the great Rebellion.

If we succeed, as I have no doubt we shall, with proper and earnest attention, in pressing the residue of our claims, we will have been remunerated to nearly the entire amount of our military expenditures, incurred during the whole war. With this amount we shall be able to liquidate the war bonds of $300,000, with a residue of over $100,000 remaining in the treasury, thus presenting to the world the example of a State, second to none in the success of its various enterprises, with all its institutions enjoying a high degree of prosperity, and entirely free from indebtedness, although just emerged from the period of a protracted and desolating war.

W. M. Stone.

DES MOINES, January 14th, 1868.

GOVERNOR: In accordance with Section 4, Chapter 95, of the Session Laws of 1866, providing for the settlement of certain claims against the General Government, I beg to submit the following report.

These claims are of a three-fold character, viz.:

First—For expenses incurred in enrolling, subsisting, clothing, etc., etc., troops employed in aiding to suppress the insurrection against the United States, the same being subsequently mustered into the United States' service.

Second—For expenses incurred in raising, arming, paying, subsisting, etc., etc., certain troops of the State for the purpose of defending the northern and southern borders thereof against incursions by hostile Indians and rebel bushwhackers.

Third—The alleged deficiency on the part of the General Government in the payment to this State of the five per cent on the sales of the public lands. The payment of so much of these claims as is embraced under the first head, was provided for by a general act, or acts of Congress, approved July 17th and 27th, 1861, and the accounts of the State as ascertained and paid up to January 1st, 1863, accompanied by the original vouchers and proper abstracts, were filed with the Third Auditor of the Treasury Department in months of March and April following. These accounts amounted to the sum of $647,563.78, and constituted at the date of the passage of the act, the great bulk of the claims so long at issue between the State and the General Government; all of which, with the exception of about $49,000, was either suspended or disallowed as against the State.

Your intimate acquaintance (acquired by experience) with the difficulties in the way of obtaining anything like a fair and proper settlement of these claims (as set forth in your annual message to the General Assembly in 1866), renders it unnecessary for me to say a single word upon that subject, except to add, that each attempt resulting in failure, necessarily added to the embarrassments to be overcome in the next succeeding. It was, therefore, with extreme diffidence, notwithstanding my personal knowledge of their strict justice, as well as of all the material facts originally connected with them, that I approached the undertaking devolved upon me by the act in question, in the language of which, the commissioner to proceed "with all convenient speed, and should he be of the opinion after making the attempt, that a settlement is at present impracticable he shall suspend his action until a more favorable opportunity;" a wise provision intended to prevent the paying out of any more good money to recover that which was considered bad.

At as early a day as possible I proceeded to Washington for the purpose of renewing the attempt hitherto made to obtain a modification of some of the most rigorous rules hitherto applied in the examination of our accounts, without which it would seem profitless further to pursue the subject. The object had in view was partially successful in this, that the rule requiring an acknowledgement of the receipt of payment from the State by the original claimant as a condition precedent to the admission of the voucher, was materially relaxed by the ruling of the Second Comptroller; while the rule absolutely forbidding re-payment for transportation of recruits by wagons was stricken out by the Secretary of the Treasury, leaving that peculiar kind of transportation, so common in our State, to stand upon the same footing as that of any other class. With this accomplished, it did not seem probable that any "more favorable opportunity" would occur than was then presented for the adjustment of our claims, and upon returning home I proceeded at once to take up the several vouchers comprising the same and examine the reasons set forth for their suspension, or disallowance on the part of the General Government, at the same time making notes of such explanations as seemed best adapted for their removal.

This was a work of no small magnitude, involving a large amount of correspondence with various officers and others whose certificates or receipts might be necessary to pass the several claims, and who were now scattered over all parts of the country.

With patience and perseverance, however, the work was accomplished and reduced to writing; when, about the middle of October last, having spared no pains in making the explanatory statements as full and complete as possible, I again repaired to Washington and called for a "special" settlement with the Department. The request was complied with, and I am happy to add, with better results than had hitherto been obtained. Nearly three months was occupied by the same officers who had previously passed upon them in closely scrutinizing the several vouchers in connection with the explanations now furnished, which ended in passing to the credit of the State the sum of $570,729.62, leaving only $27,846.54 as disallowed or suspended for further explanation. This sum added to the amount admitted upon the original settlement, carried to our credit the sum of $619,717.24; against this credit stood charged the sum of $384,274.80, on account of the "Direct Tax" imposed by Act of Congress, August 8, 1861, the collection of which was assumed by Act of the General Assembly in January, 1862, and the still further sum of $100,000.00 advanced by the General Government to the State during the same year, making in all the sum of $484,274.80, which deducted from the amount of claims *admitted* left a balance in favor of the State of $135,442.44. This amount I have the gratification of handing you herewith by draft on the "Depositary U. S. at Chicago, Illinois," payable at sight to your order.

Of this class of claims there still remains behind the entire amount adjusted and paid by the State since January 1st, 1863, amounting in the aggregate (it is estimated) to about $140,000 which has never been presented for settlement for the reason that until it was known whether the State would ever obtain a proper settlement of those already filed, it was not worth our while to go to any further trouble or expense in that direction. It will be the immediate duty of the Commissioner to now take up these claims and put them in proper shape for filing with the necessary abstracts accompanying.

Of the claims of the second class, the sum of $18,988.84 was appropriated in 1860 by Congress for payment of expense incurred on account of protecting our frontier after the Inkpadutah Massacre, coupled, however, with such restrictions as to make it hitherto unavailable. I accordingly withdrew this claim from the Third Auditor's Office, where it had lain on file since 1860, and with the assistance of Gen. G. M. Dodge, was enabled to take it before the Secretary of War, *ad interim*, who promptly ordered a re-examination of the same, the result of which was that the action of the State authorities in the premises were approved, and the claim was again referred to the Third Auditor, with instructions to take it up, and settle the same in accordance with the provisions of the act authorizing its payment and the established usages of the Department. It is but reasonable to suppose that a *fair share*, if not the entire claim will eventually be secured to the State. Coming also under the head of claims of the second class, are the payments made by the State on account of the Regiments, Cols. Morledge and Edwards, the northern and southern border brigades and other miscellaneous companies called into the military service of the State during the existence of the rebellion.

These expenditures not coming within the meaning of any of the acts of Congress above quoted, it became necessary to bring the subject before that body. Accordingly, in the summer of 1866, a joint resolution was introduced into the Senate of the United States by ex-Governor Kirkwood, providing for the appointment by the President of some suitable person as a Commissioner, whose duty it should be to examine and report upon the same to Congress in order that that body might have before them what it would concede to be reliable data upon which they could base their action. The party designated by the President was Brevet Major-General R. C. Buchanan, U. S. A., a gentleman well qualified by large experience for the duty assigned him, having seen some thirty-six years of military service, a good share of which had been spent upon the frontier. General Buchanan visited the State in May last, where every opportunity was offered by Adjutant-General Baker and myself for the fullest examination on his part of this class of our disbursements with all the attendant circumstances relating to their origin, necessity, &c.,

&c. After indicating the character of the abstracts, orders, correspondence, history, &c., &c., which he should require to be furnished with, in connection with each separate organization, the General returned to Washington, and as soon thereafter as possible the same was forwarded to him.

These claims amount in the aggregate to $229,848.23, and were made the subject on the part of the General, both while in the State and after his return to Washington, of his most careful consideration. It was not until the middle of December that his report was submitted to Congress which, after giving with great conciseness the result of his investigation and the reasons governing his conclusions, recommended the payment of the entire amount claimed. Having successfully carried this branch of our claims through this investigation, ordered by Congress, it is left in charge of the able delegation from our State for a safe passage through that honorable body. Should it succeed (and I have no reason to fear otherwise) it will then have to be carried through the hands of the proper accounting officers of the Treasury Department, but I doubt not with fair success. Upon the whole I am decidedly of the opinion that the full measure of justice, so long withheld in the settlement of our military claims, will at length be awarded us, and that no State in the Union will have refunded them at last, a greater per centage of their disbursements than the State of Iowa.

As to the third class of our claims—the alleged "deficiency on the part of the General Government in the payment of this State of the five per cent on the sales of the public lands"—I can only say that owing to a misunderstanding on my part of the duties undertaken by the Hon. J. A. Harvey in the settlement of the swamp land claims of the State, but little attention was bestowed upon the subject by the undersigned. As preliminary however to taking it up, I called on the 9th instant upon the Honorable Commissioner of the General Land Office, and requested him to furnish an account current between that Department and the State, in connection with this claim, which will form the basis, when received, of further investigation.

In conclusion, I wish to bear witness to the readiness (with few exceptions) with which officers, ex-officers, and others with whom I have had occasion to communicate upon the subject of these claims, have responded with the sought-for information, or certificates, &c. To them, as well as to ex-Governors Kirkwood and Grimes, Representatives Price and Dodge, I am under *especial* obligations for their cordial assistance at all times, in furthering my endeavors to effect an adjustment of the State claims.

I have the honor to remain your Excellency's obedient servant,

J. N. DEWEY,
Commissioner.

To His Excellency, WM. M. STONE,
Governor of Iowa.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1868

From MS. Copy of Executive Journal, Vol. III, p. 537—in the Office of the Governor, Des Moines

DES MOINES, Jan. 16, 1868.

Hon. John Russell, Speaker of the House of Representatives:[1]

SIR: I am directed by His excellency, Gov. Stone, to inform, through yourself, the House of Representatives that the reports of the Commissioners to locate the Institution for the Deaf and Dumb, including plans and contract, of the State Geologist and his assistants, and Dr. Otto Thieme, appointed as Commissioner for Iowa to the Universal Exposition at Paris in 1867, are filed in the office of the Secretary of State for information and reference.

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[1] A copy of this same communication was transmitted to the Senate.

The voluminous character of these reports and the late hour at which they were received rendered it impossible to transcribe them for direct delivery to the two Houses.

Very Truly Yours,

Geo. J. North, Priv. Sec.

PROCLAMATIONS

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 15, 1864

From MS. Copy of Executive Register, Vol. II, p. 247 — in the Office of the Secretary of State, Des Moines

Whereas a vacancy has occurred in the office of Senator in the Thirtieth Senatorial district, composed of the county of Jones in the State of Iowa, by the death of Don A. Carpenter Therefore I William M. Stone Governor of the State of Iowa by the authority in me vested, do now by this my proclamation publish and direct that on Saturday the 30th day of January, instant, a special election be held in said Senatorial district for the purpose of filling the said vacancy. Whereof the electors of said Senatorial district and the Sheriff of said County will take due notice and be governed accordingly.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa.

(SEAL) Done at Des Moines this fifteenth day of January A. D. one Thousand Eight hundred and Sixty four (1864).

W. M. STONE

By the Governor.

JAMES WRIGHT, Secretary of State

A FINAL APPEAL FOR VOLUNTEERS

FEBRUARY 5, 1864

From MS. Copy of Executive Journal, Vol. II, p. 41—in the Office of the Governor, Des Moines

EXECUTIVE OFFICE, DES MOINES, Feb'y 5, 1864.

To the People of Iowa:

We are called upon for another pledge of our devotion to the Union. More men are needed to fill the veteran ranks of the National Army. Encouraged by the brilliant campaign of the past year, our brave legions, led by tried and competent commanders, will soon move forward to more decisive achievements. That the blows they are about to deal may be rapid and effectual, their thinned ranks must be augmented by additional numbers. Large armies, and vigorous movements lessen the carnage and curtail the expenditures of war. The shock produced by the combined movements of newly recruited and well ordered forces, will overwhelm the enemy and hasten the dawn of peace.

The life of the rebellion is in our own hands; and by a proper development of the Nation's power the approaching campaigns will be glorious and decisive.

With this sole object in view, the President of the United States, as you are already advised, has ordered a draft of 500,000 men, on the 10th of March next.

Most heartily did I endorse this action, and pledge him that Iowa, while she might not honor the draft, would respond to the call. At all hazards this pledge shall be redeemed. But there must be *no draft in Iowa.* The honored name our brave boys, through years of toil and danger, have won for the State, must not be tarnished by us, in the closing scenes of the war. Most nobly, and heroically, have they performed their duty; let us emulate their example by now performing ours.

I am grieved, when I remember how much precious blood has already been sacrificed to the demon of rebellion. We have sealed our attachment to the holy cause of the Union with the lives of our noblest men. With a devotion that faltered not for a single hour, we have rallied at the call of the Union, and promptly responded to every demand. To hesitate now, would dishonor our well earned fame and disappoint the just hopes of our brave men who have so long borne the heat and burthen of the day. The storm has spent its fury, but the clouds are not dispelled. The faithful sentinel upon the national watch-tower, has told us of the night, and let us heed his warning.

Having already filled our quota of the late requisition, the President now only asks for our quota of 200,000 additional men. This will not exceed 6,000. After a careful examination of the entire ground, I am satisfied that by continued exertion, and active local efforts, we can furnish the number required. Every man in the state should realize the importance of individual exertion and devote himself vigorously to the task. In addition to the liberal pay offered by the Government the inducement of local bounties must also be secured. Parsimony should not characterize our actions in such an emergency. It will be far better for any man to furnish two hundred dollars, in the form of bounty to others than to pay *three* hundred dollars for his own exemption. Let no able bodied man of military age, fancy himself secure, for death itself is not more inexorable than the draft will be if our quota is not furnished by the 10th day of March.

Some counties, which I need not name, are delinquent upon the last as well as former calls. If a draft be necessary, it will be ordered in these and not the other counties which have furnished their quotas. It therefore behooves the people in these delinquent counties, both in their individual and corporate capacity, to bestir themselves and work in earnest. No new organization will be formed. All troops raised under this call will be distributed among the old regiments. Every man of military experience and sound judgment will endorse this as being the true policy. Additional regiments would materially increase the expense, without affording an immediate and corresponding addition to the effectiveness of the Army. A recruit will fare much better in an old regiment, with veteran soldiers for his comrades, of whose experience in the varied duties of the camp and field, he can avail himself, than with inexperienced and untaught man. The greater amount of mortality occurs in every regiment during the first year of its service, from the want of that knowledge which enables old soldiers to mitigate the many hardships to which all are exposed. In addition to this the entire history of the war demonstrates the fact, that the casualties of battle are much greater in new than in old and experienced regiments.

I should, therefore, if the choice were offered them, advise those who contemplate entering the service, by all means to select the old and well drilled regiments in preference to new ones.

To meet this requisition we must rely upon the young men of the State. The appeal is made to them with the assurance that it will meet a cordial response from brave and patriotic hearts. But few of them will desire the sublime history of this great drama to be completed with their names unwritten upon its pages. There is yet time for all who have lagged behind to come forward and vindicate their claims to manhood and courage. Believing that no ordinary excuse will be sufficient to keep them from the field, when their services are so imperatively demanded, I shall expect from them a prompt and cheerful response to this last call of the Government.

W. M. Stone.

PROHIBITING CITIZENS FROM REMOVING FROM THE STATE

February 14, 1864

From the Iowa City Republican, Vol. XIV, No. 796, Feb. 24, 1864

Executive Office, Des Moines, Feb. 14, 1864.

I am advised by numerous letters from sources deemed reliable, that large numbers of men qualified for military duty, are preparing to depart at an early day, beyond the Missouri. It is useless to disguise the plain object of this sudden hegira westward, in the midst of winter, and months in advance of the season at which vegetation appears on the plains.

None other than reasons of a most extraordinary character, could induce men to leave comfortable homes in the midst of plenty, at a season so unpropitious, to incur the privations incident to a journey across an unsettled and barren country. Men who are capable of an undertaking so arduous, and able to delve in the golden mines of Colorado, Nevada, and Idaho would make excellent material for filling up the wasted ranks of the Union Army. Such men are abundantly able to shoulder their muskets and perform soldiers' duties.

The imperative demands of the public service are paramount to all private or personal considerations. While men are required from Iowa, to supply the army, we have none to spare for gold hunting in the Rocky Mountains, or the valleys beyond. Those who have so far, during this great struggle, avoided the stern demands of patriotic duty, and now attempt to skulk away, cannot be allowed to leave the State until our obligations to the General Government are fully and honorably discharged.

If this unseasonable departure be prompted by a solicitude to avoid the impending draft, their purpose can be more honorably accomplished by remaining at home, using the necessary means and exerting their influence to induce others to volunteer, or by volunteering themselves.

Believing that gross injustice would be done to our earnest and patriotic citizens, both at home and in the field, by allowing this exodus to take place, and that the necessities of the occasion require this intervention I DO HEREBY FORBID all citizens of Iowa removing beyond the limits of the State, before the 10th day of March next.

Provost Marshals will be instructed by proper authority to co-operate with me in making this Proclamation effective; and military commanders along the Missouri, are respectfully requested to place sufficient guards of soldiers at all the crossings of that river, between Leavenworth and Sioux City to enforce its proper execution.

No person will be permitted to leave the State, in that direction, without a proper pass from the Provost Marshal of the District in which he claims to reside; and passes will be granted to those only who make satisfactory proof that they are going out of the State for a temporary purpose, and of their intention to return and be in the State on the said 10th day of March.

REVOKING CERTAIN COMMISSIONS

APRIL 8, 1864

From MS. Copy of Executive Register, Vol. II, p. 261—in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.
DES MOINES, April 8, 1864.

To All to whom these presents shall Come, Greeting:

WHEREAS: Samuel Townsend, was, on the 20th day of June, 1862, appointed and commissioned a Swamp Land Agent of the State of Iowa, to make settlement with the General Government, for Lands in certain counties of said State; and on the 10th day of July 1863 was so commissioned to make settlement for certain Lands in the Fourth Congressional District of said State.

NOW, THEREFORE, I, W. M. Stone, Governor of the State of Iowa, in the name and by the authority of the people of said State, do hereby *revoke* the said Commissions issued to

Samuel Townsend, and the authority thereby given to him. And I do hereby require and command him, the said Samuel Townsend, henceforth to do no act, and exercise no privilege by virtue of said commissions.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of
(Seal) the State of Iowa.

Done at Des Moines this 8th day of April, A. D. 1864.

W. M. Stone.

By the Governor:
James Wright, Secretary of State.

CALLING FOR VOLUNTEERS

April 25, 1864

From the Iowa City Republican, Vol. XIV, No. 805, April 27, 1864

Washington, April 25.

To the People of Iowa:

The President has agreed to accept from the Northwestern States the service of one hundred thousand volunteers for a period of one hundred days from the time of their mustering into the service, for the purpose of enabling the veteran troops to be pushed forward, and achieve decisive results over the enemy in the approaching campaign. With this augmentation to the army, it is confidently believed that the rebellion can be substantially crushed during the present season. I have promised the President ten regiments of this new force, and earnestly call upon the patriotic people of Iowa to aid me by their active co-operation in redeeming this promise.

We can thus render more essential service in saving our glorious Union and rescue our land from the horrors of fratricidal war. The period of service will be short, and I trust glorious in bringing with it the restoration of peace. Those who heretofore have been unable to participate in the stirring scenes of this war may now do so honorably and with little inconvenience to themselves—fresh laurels to be won and additional honor achieved for our State.

Let us go to work in earnest in every county. Not a moment should be lost—Companies at the organization may choose their own officers, and great care will be observed in the selection of field officers for the same. The same pay and allowance as other troops. Companies must report to the Adjutant General at Davenport as fast as they are filled.

The entire number must be raised within twenty days, if possible. Let not brave young Iowa now jeopardize her fame by falling behind her sister States of the North-west.

WM. M. STONE, Governor.

REVOKING CERTAIN COMMISSIONS

JUNE 13, 1864

From Original MS. in the Office of the Secretary of State, Des Moines

THE STATE OF IOWA.

To all to whom these presents shall come, Greeting:

Know Ye, That whereas Jabez D. Pratt, Bolivar D. Daniels, and D. D. Daniels, of the State of Maryland, were appointed and Commissioned to administer oaths, and to take depositions and affidavits to be read in this State, and to take acknowledgments of Deeds and Powers of Att'y or other instruments to be recorded in this State.

Now Therefore, I, W. M. Stone, Governor of the State of Iowa, by virtue of the power in me vested, and for good and sufficient reason appearing, do hereby, in the name and by the authority of the people of said State, REVOKE the said appointments and Commissions and all authority thereby granted to said Jabez D. Pratt, Bolivar D. Daniels, and D. D. Daniels, and command and require that they, and each of them, do no act and exercise no authority by virtue of said Commissions.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of
(Seal) the State.

Done at Des Moines, this 13th day of June, A. D. 1864.

W. M. Stone.

By the Governor:
James Wright, Sec'y State.

RELATIVE TO REFUGEES, GUERRILLAS, AND BUSHWHACKERS

August 20, 1864

From MS. Copy of Executive Register, Vol. II, p. 275—in the Office of the Secretary of State, Des Moines

Whereas, it appears by information derived from undoubted authority that refugees from the rebel army, guerrillas, and bushwhackers heretofore engaged in warfare against the authority of the Federal Government, and guilty of murder and robbery of Union men in the adjoining State of Missouri, are now daily coming into Iowa across the Southern border, ostensibly for the purpose of becoming citizens but well armed and with the real purpose as secretly avowed of ultimate mischief when a favorable opportunity shall be presented; and Whereas, the influx of such a population leaving Missouri to escape the vigilance of the constituted authorities, into the State must be regarded as highly inexpedient and dangerous to our peace and safety; and whilst it is now and ever has been our policy to encourage the immigration into this State of industrious, law-abiding persons to the end that our population may be suitably increased and our territory become settled and improved, yet in these times of imminent peril public security forbids that our State should become an asylum for out-laws and a home for men whose nefarious crimes perpetrated in bold defiance of both civil and military authorities, have rendered their names a terror to the peaceful and loyal people in the communities from which they are now endeavoring to escape; and Whereas, Arson, robbery, and other crimes the work of these lawless men are of such frequent occurrence in the Southern counties of this State as to create a general feeling of insecurity among the inhabitants thereof; Therefore, I, W. M. Stone, Governor of the State of Iowa, do hereby, in the name and by the authority of the people thereof, forbid Asylum in this State to the class of persons herein designated, and especially in the Southern Counties so easy of access to them, and all peace officers in the first and second tiers of counties on the Southern border, and in the county of Pottawattamie on the western border, and all officers of the State Militia are commanded to stop and detain all suspected persons coming into the State from those directions until they can give a satisfactory account of themselves by letters from or reference to known and reliable men, or otherwise show that they enter this State for a lawful and proper purpose; and upon failure to furnish such evidence the person so detained must be turned back and refused permission to remain in this State, and it is hereby strictly enjoined upon all officers acting by authority of this proclamation to observe great caution in discharging the duties herein assigned them, that no person traveling with good intentions and for a lawful purpose may be interfered with, and that the public highways and lines of inter-State communication be not needlessly interrupted.

In testimony whereof I have hereunto set my hand and caused to be affixed the great Seal of the (SEAL) State of Iowa. Done at Des Moines this 20th day of August A. D. 1864.

W. M. STONE, Governor

By the Governor:
JAMES WRIGHT Sec'y of State.

OFFERING A REWARD

OCTOBER 4, 1864

From MS. Copy of Executive Journal, Vol. III. p. 117—in the Office of the Governor, Des Moines

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STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, Oct. 4, 1864.

A reward of one Thousand Dollars will be paid to any person who will arrest and deliver to me at Des Moines John and Joseph Fleener, who are guilty of the cold-blooded and cowardly murder of Captain John L. Bashon and Josiah M. Woodruff in Sugar Creek Tp., Poweshiek County on the 1st inst.

DESCRIPTION.

John Fleener, age about 28 years, height about 6 feet, clear blue eyes, sandy hair and whiskers, whiskers redder than hair, face red and freckled; rather spare made, droops his eyes when looked steadily in the face; stands erect, square shouldered, walks with face turned up rather more than is usual with men.

Joseph Fleener—age about 26 years, height about 5 ft. 8 in, hair light sandy, eyes blue, complexion fair, sandy whiskers, is well built and rather under size.

The above reward will be paid for the arrest and delivery of both of said individuals or half that amount for either of them separately. These men are desperate characters, and their arrest is demanded by the highest considerations of law and public order. Persons attempting their arrest will be sustained in using such force as may be necessary to overcome any and all resistance interposed by these men or their friends.

(Signed) W. M. STONE.

ON THE GENERAL AND SPECIAL ELECTIONS

OCTOBER 6, 1864

From MS. Copy of Executive Register, Vol. II, p. 279—in the Office of the Secretary of State, Des Moines

I, W. M. Stone, Governor of the State of Iowa in pursuance of law and by virtue of the authority in me vested do hereby proclaim that a General Election will be held on the Tuesday next after the first Monday in November (November 8th 1864) when the following offices will be filled by the vote of all the electors in the State, to wit:

The Office of Presidential Electors—To be filled by the election of Eight Electors—two to represent the State at large and Six to represent the several Congressional Districts.

The Office of Secretary of State.

The Office of Auditor of State.

The Office of Treasurer of State.

The Office of Register of State Land Office.

The Office of Attorney General.

The Office of Judge of the Supreme Court.

Also the following offices, to be filled by the vote of the electors of the Several Districts, to wit:

In the First Congressional District—The Office of Representative in Congress.

In the Second Congressional District—The Office of Representative in Congress.

In the Third Congressional District—The Office of Representative in Congress.

In the Fourth Congressional District—The Office of Representative in Congress.

In the Fifth Congressional District—The Office of Representative in Congress.

In the Sixth Congressional District—The Office of Representative in Congress.

Whereof the Sheriff of each county, and the electors of the State will take due notice and be governed accordingly.

And I do further proclaim, that at the same time will be held "Special Elections" Whereat vacancies will be filled by the vote of the electors of the several districts as follows, towit:

In the Fifth Judicial District—The Office of District Attorney vacated by the resignation of John Leonard Esq.

In the Seventh Judicial District—The Office of Judge of the District Court vacated by the resignation of Hon. John F. Dillon.

In the Eighth Judicial District—The Office of Judge of the District Court, vacated by the resignation of Hon. N. W. Isbell. The Office of District Attorney, vacated by the resignation of Hon. Isaac L. Allen.

In the Twelfth Judicial District created by act of the General Assembly of the State of Iowa, Approved March 28th 1864—The Office of Judge of the District Court. The Office of District Attorney.

In the Third Senatorial District—The Office of Senator, vacated by Hon. S. A. Moore's acceptance of a military commission and absence from the State.

In the Fifth Senatorial District—The Office of Senator, vacated by Hon. Ziba Brown's acceptance of a military commission and absence from the State.

In the Twentieth Senatorial District—The Office of Senator, vacated by the resignation of Hon. P. G. C. Merrill.

In the the Twenty-second Senatorial District—The Office of Senator vacated by Hon. Thomas J. Saunders' acceptance of a military commission and absence from the State.

In the First Representative District—The Office of Representative vacated by the removal of Hon. Ferdinand Meissner from the State.

In the Eighth Representatative District—The Office of Representative, vacated by Hon. A. H. Bereman's acceptance of a military commission and absence from the State.

In the Thirteenth Representative District—The Office of Representative, vacated by Hon. C. R. John's acceptance of a military commission and absence from the State.

In the Twenty-first Representative District—The Office of Representative, vacated by Hon. John L. McCormack's acceptance of a military commission and absence from the State.

In the Twenty-second Representative District—The Office of Representative, vacated by Hon. S. B. Lindsay's acceptance of a military commission and absence from the State.

In the Thirty-fourth Representative District—The Office of Representative, vacated by Hon. William I. Wolf's acceptance of a military commission and absence from the State.

In the Forty-third Representative District—The Office of Representative vacated by Hon. D. D. Holdridge's acceptance of a military commission and absence from the State.

In the Fifty-first Representative District—The Office of Representative vacated by the decease of Hon. Ole Nelson.

In the Sixty-sixth Representative District—The Office of Representative, vacated by Hon. William Elliott's acceptance of a military commission and absence from the State.

Whereof, the Sheriff of each county of the several districts and the electors thereof, will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the

(SEAL) State of Iowa.

Done at Des Moines this Sixth day of October, A. D. One thousand Eight hundred and Sixty four.

W. M. STONE

By the Governor.

JAMES WRIGHT, Secretary of State.

Pr. E. M. WRIGHT, Deputy.

OFFERING A REWARD

OCTOBER 27, 1864

From MS. Copy of Executive Register, Vol. II, p. 287—in the Office of the Secretary of State, Des Moines

Whereas, It appears by the finding of a Coroner's inquest held at Nevada, Story County, Iowa, on the 20th inst. that an unknown person travelling peaceably through this State on his return from California to his eastern home was deliberately murdered in said county on or about the 8th day of October last past and the murderer is now at large.

Therefore I, Wm. M. Stone, Governor of the State of Iowa, by virtue of the authority vested in me by law do by this my proclamation, offer the sum of

THREE HUNDRED DOLLARS

as a reward for the apprehension and delivery of the murderer to the sheriff of Story County, Iowa. An old man, probably 55 or 60 years of age, gray hair and whiskers, travelling with a mule team and covered wagon, and a blue drilling patch on the right side of the wagon cover is supposed to be the guilty party. The man murdered was about 35 years of age, five feet eight and a half inches in height dark hair and whiskers worn rather long and inclined to curl blue eyes teeth all present except one but irregular and worn as by a pipe; his temples bare and hair coming to a point on center of his forehead, muscles well developed strong and athletic.

The above reward to be paid on final conviction.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great Seal of the
(SEAL) State of Iowa.
Done at Des Moines this 27th day of October A. D. 1864.

WM. M. STONE.

By the Governor.
JAMES WRIGHT, Sec'y of State

ON THANKSGIVING

NOVEMBER 11, 1864

From MS. Copy of Executive Register, Vol. II, p. 290 — in the Office of the Secretary of State, Des Moines

Whereas, It has pleased Almighty God to vouchsafe to us as a nation and people manifold blessings throughout another year, and a day for

NATIONAL THANKSGIVING

has been designated by the President of the United States, and

Whereas, The State of Iowa has shared the full degree of Divine favor in this, that there is peace and plenty within her borders, her people healthful and prosperous, and their devotion to Liberty and the Union unalterable—

Therefore I, William M. Stone, Governor of the State of Iowa, in pursuance of a time honored custom, do by this my proclamation, make known that

THURSDAY, NOV. 24TH 1864

The day set apart by the President for the grateful acknowledgment of God's favor will be observed in this State and the voice of Iowa will unite with the voice of her loyal Sister States in giving thanks to the Lord for his merciful kindness. And all her citizens who recognize the favor of God in the blessings we enjoy, are requested to suspend all secular employment and in family reunions, social gathering, and their accustomed places of public worship give thanks for his bountiful providence. Thanks for the preservation of our free institutions. Thanks that our national perils by recent events are greatly lessened; and that our people, animated by the Spirit of their fathers, have resolved to maintain Liberty and the Union unimpaired

Thanks for his merciful preservation of the Ship of State amid the Storm of Civil Strife, and invocation for its guidance into the calm waters of universal Freedom and perpetual Union. Thanks for the numerous victories so glorious won on land and sea, in the cause of freedom and humanity. And let us devoutly pray that the God of battle will guide the heroic defenders of our Flag, and in his holy keeping shield them from all danger; nor forget that their wives and little ones merit our gratitude and protection. Let us pray that continued victories may crown the effort of our armies until treason and rebellion be crushed, and that in his own good time He will vouchsafe an honorable and permanent peace to our land. May our patriotic soldiers sleeping in their honored graves be remembered with the silent tear, and heartfelt prayer ascend, that our patriotism be purified by their blood and that their widows and orphans may receive Divine consolation and protection.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the
(SEAL) State of Iowa.

Done at Des Moines this 11th day of November, A. D. 1864

W. M. STONE.

By the Governor
JAMES WRIGHT Sec'y of State

RELATIVE TO DESERTERS

FEBRUARY 13, 1865

From MS. Copy of Executive Register, Vol. II, p. 301—in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT,
February 13, 1865.

Whereas official information has been received at this department, that many persons liable to military duty and duly enrolled, have departed from the State of Iowa since the pending call for troops was issued by the President of the United States, for the obvious purpose of avoiding the duties they owe to the government which protects them, thereby imposing additional burdens upon the good citizens who remain at home; and

Whereas, Such persons by deserting the State at a time when their Country was likely to need their services in its defense, have shown their utter unworthiness to enjoy the rights and immunities of American citizens, and afford us the highest evidence of their cowardice and treason; and it being definitely ascertained that many of these persons are now skulking on the plains beyond the Missouri fearful of the Indians on the one hand, and the draft on the other, and that many others are at different points in the East deferring their return until they shall have been definitely informed that the State is relieved from the draft; and

Whereas, in view of the probabilities that a further demand for troops may be required to speedily and successfully terminate the war, the government will be able to make good use of these deserters should they return to the State. Therefore, I, William M. Stone, Governor of the State of Iowa, do hereby request the Clerks of the Several Counties to make out and forward to this office without delay an accurate list of the names of all persons who have left the State, and of those who have disappeared from their homes in the manner herein set forth; and I do also request the Supervisors of the different townships, and members of the State Militia, to assist the Clerks in obtaining the names of the persons alluded to.

In testimony whereof I have hereunto set my hand

(SEAL) and caused to be affixed the great Seal of the State of Iowa.

Done at Des Moines this 13th day of February, A. D. 1865, and in the nineteenth year of the State.

W. M. STONE, Governor

By the Governor,
JAMES WRIGHT, Secretary of State.

ON THE DEATH OF ABRAHAM LINCOLN

APRIL 15, 1865

From MS. Copy of Executive Register, Vol. II, p. 313—in the Office of the Secretary of State, Des Moines

WASHINGTON, April 15.

The Federal City is shrouded in mourning. In the midst of joy and triumph the Nation is suddenly called on to mourn the loss of its greatest and truest friend—foully murdered by a traitorous hand—stricken down in the fullness of life and when strongest in the hearts of the people. Abraham Lincoln, President of the United States—an honest man, an exalted patriot—the friend to the poor and oppressed—the deliverer of his Country has been gathered to a martyr's grave.

That the people of Iowa, who admired and loved the fallen patriot, and so generously sustained the holy cause represented, may appropriately testify their sorrow over this national calamity, I invite them to assemble in their respective places of worship on Thursday, the 27th day of

April, at 10 o'clock, A. M. for humiliation and prayer to Almighty God, and also request the travel within the State, and all secular employment be totally suspended on that day and that all public offices be draped in mourning for the period of thirty days.

Signed W. M. STONE, Governor

ON THE GENERAL ELECTION

SEPTEMBER 6, 1865

From MS. Copy of Executive Register, Vol. II, p. 332—in the Office of the Secretary of State, Des Moines

I, William M. Stone, Governor of the State of Iowa, in pursuance of law and by virtue of the authority in me vested, do, by this my proclamation publish and make known that a General Election will be held on the second Tuesday of October next (October 10th 1865) when the following offices will be filled by vote of the electors of the State, To Wit:

The Office of Governor, The Office of Lieutenant Governor, The Office of Judge of the Supreme Court, The Office of Superintendent of Public Instruction. Whereof the Sheriff of each county and the electors of the State will take due notice and be governed accordingly

Also at the same time will be held Special Elections to fill vacancies by vote of the electors of the several Districts as follows: In the thirty-eighth Senatorial District the office of Senator, vacated by the resignation of Hon. H. S. Brunson. In the forty-first Senatorial District, the office of Senator, vacated by the resignation of Hon. G. W. Gray.

Whereof the Sheriffs of Fayette and Allamakee counties and the Electors of the thirty-eighth and forty-first Senatorial Districts will take due notice and be Governed accordingly.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of the
L. S. State of Iowa.

Done at Des Moines this 6th day of September, A. D. 1865, and in the nineteenth year of the State.

W. M. STONE

By the Governor,
JAMES WRIGHT, Secretary of State

ON THANKSGIVING

NOVEMBER 13, 1865

From MS. Copy of Executive Register, Vol. II, p. 338—in the Office of the Secretary of State, Des Moines

Whereas, It has pleased the Divine Ruler of Nations, during the year which is drawing to a close, to deliver our Land from the horrors of Civil wars and sustain us by the abundance of His mercies, and

Whereas, The people of this State have been blessed with uninterrupted peace within their borders with bountiful harvests, general good health, and an unusual degree of prosperity, and

Whereas, It is meet that we as Christian People, should reverently acknowledge our gratitude to God for His manifold blessing, and humbly implore a continuance of Divine favor

Therefore, I, William M. Stone, Governor of the State of Iowa, uniting with the Chief Magistrate of our Country, do hereby in pursuance of a time honored custom designate and set apart

THURSDAY THE 7TH DAY OF DECEMBER

next as a day of thanksgiving and prayer. And I do earnestly recommend that all secular employment be suspended on that day throughout the State, that we assemble together in our accustomed places of public worship and give thanks to Almighty God for all His mercies and goodness so graciously vouchsafed to us, that the widows and orphans of the patriot dead who gave their lives that liberty and the Union might be inseparable, be remembered in our prayers, and that we invoke the continued guidance of Him who alone can lead men and Nations to prosperity, peace and safety.

Given under my hand and the Great Seal of
(L. S.) the State of Iowa, this 13th day of November,
A. D. 1865.

W. M. STONE

By the Governor.
JAMES WRIGHT, Secretary of State.

ON ELECTION TO FILL A VACANCY IN THE SENATE

NOVEMBER 15, 1865

From MS. Copy of Executive Register, Vol. II, p. 332—in the Office of the Secretary of State, Des Moines

I, William M. Stone, Governor of the State of Iowa, in pursuance of law, and by virtue of the authority in me vested, do hereby proclaim that a

SPECIAL ELECTION

will be held in the Twentieth Senatorial District of said State, composed of the County of Warren, on Thursday November 30th, A. D. 1865, when the office of Senator made vacant by the death of Hon. Adam Beck, will be filled by vote of the electors of said district.

Whereof the Sheriff of Warren County and the electors of said district will take due notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the

L. S. State of Iowa.

Done at Des Moines this 15th day of November, A. D. 1865.

W. M. STONE

By the Governor

JAMES WRIGHT, Sec'y State

ON ELECTION TO FILL A VACANCY IN THE SENATE

JANUARY 19, 1866

From MS. Copy of Executive Register, Vol. II, p. 352 — in the Office of the Secretary of State, Des Moines

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STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, Joseph B. Young, while Senator from the 31st Senatorial District of the State of Iowa, did accept a commission in the military service of the United States and by said act he has ceased to be Senator from said District, and said District is now thereby vacant and unrepresented in the General Assembly of the State of Iowa.

Therefore, in pursuance of law, I, William M. Stone, Governor of the State of Iowa, by this proclamation do order and require that on Monday, the Fifth day of February, 1866, a Special Election be held in said 31st Senatorial District to choose a Senator to represent said District in the General Assembly of the State of Iowa.

Whereof the Sheriff of Linn County in said State will take due notice.

In Testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

(Seal) Done at Des Moines this 19th day of January 1866, in the ninetieth year of the United States and of this State the twentieth.

W. M. STONE

By the Governor,
JAMES WRIGHT, Secretary of State

ON THE GENERAL AND SPECIAL ELECTIONS

AUGUST 29, 1866

From MS. Copy of Executive Register, Vol. II, p. 386 — in the Office of the Secretary of State, Des Moines

Pursuant to law, and by virtue of authority in me thereby vested, I, William M. Stone, Governor of the State of Iowa, do hereby proclaim and direct that a General Election will be held in the State of Iowa, on the Second Tuesday of the ensuing October, to wit, October 9th, A. D. 1866, at which Election the following specified offices will be filled by vote of all the electors of said State:

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Register of the State Land Office.

The office of Attorney General.

The office of Reporter of the Decisions of the Supreme Court.

The office of Clerk of the Supreme Court.

Also, at the same time, the following offices will be filled by the vote of the Electors of the proper Congressional Districts of this State:

The office of Representative in Congress from the first District.

The office of Representative in Congress from the second District.

The office of Representative in Congress from the third District.

The office of Representative in Congress from the fourth District.

The office of Representative in Congress from the fifth District.

The office of Representative in Congress from the sixth District.

Also, at the same time the following offices will be filled by the electors respectively of each Judicial District:

The offices of Judge and District Attorney of the first District.

The offices of Judge and District Attorney of the second District.

The offices of Judge and District Attorney of the third District.

The offices of Judge and District Attorney of the fourth District.

The offices of Judge and District Attorney of the fifth District.

The offices of Judge and District Attorney of the sixth District.

The offices of Judge and District Attorney of the seventh District.

The offices of Judge and District Attorney of the eighth District.

The offices of Judge and District Attorney of the ninth District.

The offices of Judge and District Attorney of the tenth District.

The offices of Judge and District Attorney of the eleventh District.

The offices of Judge and District Attorney of the twelfth District.

Also at the same time Special elections will be held in the proper Senatorial and Representative Districts to fill the following offices.

The office of Senator from the ninth District composed of the County of Des Moines, in place of Fitz Henry Warren resigned.

The office of Senator from the twelfth District consisting of the county of Wapello, in place of E. H. Stiles resigned.

The office of Senator from the seventeenth District consisting of Keokuk County, vice E. S. Sampson, resigned.

The office of Senator from the twenty-sixth District composed of Iowa and Poweshiek Counties vice M. E. Cutts removed from the County of Poweshiek to Mahaska County.

The office of Representative from the seventh District consisting of Des Moines County vice C. B. Darwin, removed from the State.

The office of Representative from the fourteenth District consisting of Page County, vice Chas Linderman, resigned.

The office of Representative from the seventeenth District, consisting of Louisa County vice, N. L. Brown, deceased.

The office of Representative from the nineteenth District consisting of Keokuk County vice D. A. Stockman deceased.

The office of Representative from the thirty-fourth District, consisting of Cedar County, vice Ed Wright resigned.

The office of Representative from the thirty-eighth district consisting of Benton County vice Alexander Runyan resigned.

The office of Representative from the sixty-seventh district consisting of the Counties of Taylor and Ringgold vice A. Z. Huggins deceased.

Whereof all lawful electors of the State and the designated Districts will take due notice; and whereof the Sheriffs composing the State and the several Districts mentioned will take official notice and be governed accordingly.

In testimony of which I have hereunto set my name and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 29th day of August A D 1866, in the twentieth year of the State, and of the independence of the United States the ninety-first.

W. M. Stone

By the Governor
James Wright, Secretary of State

ON THANKSGIVING

November 15, 1866

From MS. Copy of Executive Register, Vol. II, p. 404 — in the Office of the Secretary of State, Des Moines

State of Iowa, Executive Department.

It has pleased Almighty God during the year now approaching its close to favor our commonwealth with his richest blessings. He has given us abundant harvests and increased our material prosperity. He has smiled upon our moral and educational interests, and preserved profound tranquility within our borders, has almost entirely shielded us from the ravages of the pestilence, has exalted us a State and in countless ways shown that the welfare of our people is precious in His sight.

And now in grateful remembrance of these Divine blessings and in obedience to the time honored usage of our people, I, William M. Stone, Governor of the State of Iowa, do hereby appoint Thursday, the 29th day of November, inst, as a day of Thanksgiving and Praise.

I do earnestly invite the people to abstain from all secular avocations, meet on that day in their respective places of worship, and while they engage in appropriate thanks that they humbly beseech the Lord our God that He will continue his benefactions, extend undefiled religion and inspire us with wisdom: That he will cause us to remember the poor and oppressed: That he will increase the love of our people for those great principles of Liberty, Humanity, and Justice which make a Nation great, prosperous, and enduring: and that in all things we may fully recognize His overruling power.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great Seal of the State of Iowa.

Done at Des Moines this 15th day of November, 1866, in the Ninety-first year of the United States, and of this State the Twentieth.

W. M. STONE

By the Governor:
JAMES WRIGHT, Secretary of State

ON THE GENERAL AND SPECIAL ELECTIONS

SEPTEMBER 4, 1867

From MS. Copy of Executive Register, Vol. II, p. 448 — in the Office of the Secretary of State, Des Moines

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STATE OF IOWA, EXECUTIVE DEPARTMENT.

In accordance with the laws of the State of Iowa, and by virtue of authority in me vested, I, W. M. Stone, Governor of the State of Iowa, hereby proclaim and give notice, that on the Second Tuesday of the coming October, namely, October Eighth, A. D. 1867, there will be held in and throughout the State of Iowa, a General Election; and I hereby designate and announce the following specified offices, as the offices to be filled at said General Election by vote of all the Electors of the said State, to-wit:

The office of Governor of the State.

The office of Lieutenant Governor of the State.

The office of Superintendent of Public Instruction.

The office of Judge of the Supreme Court, in place of Ralph P. Lowe, whose term expires in January, 1868.

Also, the office of Attorney-General of the State for the unexpired term of Frederick E. Bissell, deceased, the vacancy now being filled by Henry O'Conner, appointed June 20, 1867.

Also, the office of Superintendent of Public Instruction for the unexpired term of Oran Faville, resigned, the vacancy being now filled by D. F. Wells, appointed May 1, 1867.

Also, at the same time there will be held a Special Election in the 22d Senatorial District, composed of Scott

County, to fill the vacancy occasioned by the resignation of Joseph B. Leake, late Senator from said District.

Whereof all the lawful electors of said State, and of the 22d Senatorial District, will take due notice; and whereof the Sheriffs of the Counties of the State of Iowa, and the Sheriff of the County composing the 22d Senatorial District, will take official notice, and be governed accordingly.

In testimony whereof, I have hereunto set my name and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 4th day of September, A. D. 1867, in the twenty-first year of the State of Iowa, and of the independence of the United States the ninety-second.

L. S.

W. M. STONE.

By the Governor,
ED WRIGHT, Secretary of State

ON THANKSGIVING

NOVEMBER 12, 1867

From MS. Copy of Executive Register, Vol. II, p. 459 — in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

In conformity with the religious custom of our people, and in compliance, also, with the recommendation of the Pesident, designating Thursday, the 28th day of November, instant, as a day of National Thanksgiving and praise;

I, W. M. Stone, Governor of Iowa, do hereby earnestly request the people of this State to observe the day thus appointed, by appropriate manifestations of their gratitude to Almighty God for the divine blessings so graciously bestowed upon them during the year now drawing to a close. Let us devoutly thank Him for our abundant harvests, for our great prosperity, and the general health and quietude that have prevailed within our borders. Remembering that "Sin is a reproach to any people," let us, in public worship and in secret homage, reverently pray for an increased measure of the righteousness which "exalteth a nation," and let us ask that, as the Author of all good, He may continue to guide our Commonwealth in the ways of prosperity and true honor, and that His divine mercies may be vouchsafed unto our people and their generations forever.

In Testimony Whereof, I have hereunto set my name and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 12th day of November, A. D. 1867, in the twenty-first year of the State of Iowa and of the independence of the United States the ninety-second.

W. M. Stone

By the Governor:
Ed Wright, Secretary of State

ON ELECTION TO FILL A VACANCY IN THE SENATE

DECEMBER 18, 1867

From MS. Copy of Executive Register, Vol. II, p. 465 — in the Office of the Secretary of State, Des Moines

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STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas William Hartshorn, Senator elect from the Fifth Senatorial District of the State of Iowa, died on Friday, December Thirteenth, A. D. 1867, and thereby said office has become vacant;

Therefore, I, William M. Stone, Governor of the State of Iowa, in accordance with the laws of said State, and by virtue of authority in me vested, hereby proclaim and direct that on Tuesday the Seventh day of January 1868 there will be held in and throughout the said Fifth Senatorial District, composed of the Counties of Clarke, Lucas and Wayne, a Special Election to fill the said vacancy now existing. Whereof all the electors of the said Senatorial District will take due notice; and whereof the Sheriffs of the said Counties of Clark, Lucas and Wayne will take official notice, and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

(L. S.) Done at Des Moines on the 18th day of December, A. D. 1867, in the twenty-first year of the State of Iowa, and of the Independence of the United States the ninety-second.

By the Governor WM. M. STONE

ED WRIGHT, Sec'y of State

ON ELECTION TO FILL A VACANCY IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 1867

From MS. Copy of Executive Register, Vol. II, p. 467 — in the Office of the Secretary of State, Des Moines

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STATE OF IOWA, EXECUTIVE OFFICE.

Whereas, Charles O. Dewey has tendered to me his resignation of the office of Representative-elect from the fifteenth Representative District of the State of Iowa, and the said office has therefore become vacant.

Therefore, I, William M. Stone, Governor of the State of Iowa, in accordance with the laws of the said State, and by virtue of authority in me thereby vested, hereby proclaim and order that on Thursday the Ninth day of January 1868, in and throughout the said Fifteenth Representative District composed of the County of Fremont, State of Iowa, there be held a Special Election, within the hours specified by law, for the election of a Representative from the said District, to fill the vacancy now existing, occasioned by the said resignation.

Whereof all the electors of the said Fifteenth Representative District will take due notice; and whereof the Sheriff of the said Fremont County will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 21st day of Decem-

L. S. ber, A. D. 1867, in the twenty first-year of the State of Iowa, and of the Independence of the United States the ninety-second.

Wm. M. Stone

By the Governor,
Ed Wright, Sec'y of State.

GOVERNOR SAMUEL MERRILL

BIOGRAPHICAL SKETCH

Samuel Merrill, the seventh Governor of the State of Iowa, was born at Turner, Oxford County, Maine, on August 7, 1822. He resided on a farm and divided his time between farming and school-teaching until he was twenty-seven years of age. He then moved with his family to the State of New Hampshire. Here he served a term in the State Legislature. His regular occupation was that of a merchant.

In 1856 he removed to McGregor, Iowa, where he entered into a wholesale and retail mercantile business. In 1859 he was elected a member of the General Assembly, a position which he occupied during the regular session of 1860 and the special session of 1861. He entered the military service in July, 1862, and was made Colonel of the twenty-first Iowa Infantry. When he returned to his home in Iowa he was chosen President of the First National Bank of McGregor.

Samuel Merrill was elected Governor of Iowa in the fall of 1867. He entered that high office in January, 1868. In 1869 he was reëlected; and thus he served as the chief executive of Iowa for two terms, from January, 1868, to January, 1872. In 1886 he removed to California, where he died at Los Angeles on August 31, 1899. He was buried at Des Moines, Iowa.

FIRST INAUGURAL

JANUARY 16, 1868

From the Journal of the House of Representatives, p. 46

Gentlemen of the Senate and House of Representatives:

With gratitude to the people of Iowa for an election to the responsible office of chief magistrate of the State, I appear before you to take the solemn obligations prescribed by the Constitution, and to give assurance of fidelity to the interests of the Commonwealth.

The period in which we meet is distinguished with peculiar favor. The labors of the husbandman have been crowned with plenty; Pestilence and Want have not visited us; a spirit of good will and fraternal regard has prevailed throughout all our borders. Let us gratefully acknowledge the beneficent Author of these blessings and recognize our increased obligations of obedience and love.

The prospects of our State were never more hopeful. The finances are in a sound and healthful condition. Notwithstanding the heavy burdens of the war, we find ourselves untrammeled with debt and free from exhausting taxation. Our seasons are kindly, and harvests abundant. The useful and mechanic arts have not been neglected in the development of our resources. Never in our history has the spirit of internal improvements exhibited such strength of purpose as to-day, and energy and enterprise are everywhere striving to promote the commercial facilities of the

State. Especially is this manifest in the rapid development of our railway communications. In 1859 the number of miles of railway in operation was three hundred and ninety; in 1865 it was seven hundred ninety-three; while at the present time it can not be less than twelve hundred, and as this estimate embraces but a fractional part of chartered lines, we see how hopeful, how full of promise is our own future in this particular. The growth of our cities and towns; the spread of our commerce; the multiplication of schools and colleges in our midst, are evidences of a substantial and progressive prosperity.

The representation of the condition of the State in its details by my predecessor have given you a favorable introduction to its varied interests, and I bespeak for his recommendations your careful consideration. To again consider the topics which have been so recently and so well presented would seem unnecessary upon the present occasion. Hereafter I may deem it my duty to invite your attention to some particular subjects of legislation, and therefore I shall be pardoned if I now turn to the more extended field of national affairs.

In the war for preserving the unity of the Republic, the people of Iowa bore a leading and brilliant part. Well may we congratulate ourselves, therefore, that the labors in which we have shared, the sorrows in which we have participated, the hopes and anxieties which we have felt in common with loyal hearts all over the land, have established it upon firmer foundations then ever before. The pernicious dogma of "State Rights" perished with the sword which was drawn in its defense. It is one of the first fruits of victory that we are not a Republic of corporations but a Republic of the people, and that in questions affecting the interests of all the States, the ultimate arbiters are the people of the United States. While the rights of none are to suffer encroachment, and the prerogatives of each are to be jealously guarded by the power of the whole, the popular will must be the great expounder of the Constitution. The cry has been raised that in establishing and fortifying the powers of the nation, the people are in danger of losing their liberties. History has been cited to show that we are imitating the unhappy policy of other free governments, in which, first the spirit, and then the form, of their institutions perished. But it is forgotten that men have never before attained a freedom worthy of the name, and that if they failed they failed because they were unworthy.

Our own experience has more meaning lessons for us than any examples of former success or ruin. Disclaiming the heresy that the nation is everything and the State nothing, let us at the same time rejoice that we have established so firmly the paramount sovereignty of the Union over all its parts, that in the hour of great national exigency, we shall never again be compelled to listen to the declaration that "there is no power in the general government to coerce a sovereign State." Centrifugal must yield obedience to centripetal law, or our system perishes. And yet neither can be spared from the perfection of our theory. With the idea that the authority of the whole is supreme, must be coupled the principle that the States have a sphere of action, limited to be sure, but nevertheless a distinctive sphere, which the general government has neither the power nor wish to invade.

FINANCE.

To vindicate the integrity of the Union required a large expenditure. Happily for us and for the success of our cause, the credit of the nation was equal to the great emergency which called it into exercise. In times of unprecedented difficulty and when our financial ability seemed the pivotal point of triumph or defeat, it proved an unfailing rock of supply. To maintain that credit constitutes our most sacred duty; and whatever responsibilities it may impose upon us, the highest standard of national good faith will command the verdict of the American people. The citadel of financial honor can not be guarded too sacredly. I should reprobate as the most calamitous of misfortunes any legislation on the part of Congress, tending to invalidate the plighted, or even the fairly implied, faith of the nation.

It has become the conviction of some that a part of the national bonds could be redeemed in currency, without fraud upon the holder. The advocates of this policy base the righteousness of such redemption upon the fact that the bonds themselves contain no stipulation of payment in specie. A more subtile, insidious, and at the same time, deadly attack upon the public credit could not have been made. Apart from the fact that gold is the recognized currency of the world and the standard of value, and that we can not exempt ourselves from the operation of this law, there was, in this instance, an implied understanding with both parties to the covenant that loans to the Government should be paid in specie. The Secretary of the Treasury placed this interpretation upon the contract at the time the loan was being negotiated. All the contemporaneous acts and sayings of the men who framed the law are explicit in the assurance that no other intention lurked in the purposes of the Government. The scheme of repaying the public loans in an irredeemable paper issue, was a cunningly-devised after-thought—the offspring of a desire to evade the payment of our obligations in accordance with the rules of common honesty.

The ability of the American people to pay the utmost farthing of their indebtedness, the least sanguine have never questioned. At the present ratio of increase, in twenty-five years, our wealth and population will double themselves; in the year 1900 our valuation can not be less than four hundred and fifty billions. Mines are opening, farms multiplying and property increasing upon the inventory faster than in any other nation on the globe.

In the very face of this unquestioned ability, we are met by the fact that no civilized nation pays so high premiums upon its loans as ours.

Where are we to look for the grounds of this humiliation? In part perhaps, to the sophistries which have been promulgated for evading the spirit of our obligations, and in part to our delay in the resumption of specie payments.

Disclaiming to represent the opinions of others, I would urge the authoritative announcement of some definite time when such resumption shall take place. Let the time be fixed with the idea that the earliest possible moment will best secure a healthful condition of our finances. I am forced to the conclusion that such a policy would tend to realize in our circulation the perfect currency, in which notes could be exchanged for coin and would command equal respect in the markets.

Meanwhile the public service should be distinguished for the most rigid economy. The increase of money has deluded us with the creation of *apparent* wealth, and in the train of this delusion have followed extravagance and lavish expendiiture. Let us then refrain from every outlay which *actual* wealth alone could justify. Economy will promote the public credit, better than the ripest theory. Retrenchment is the evidence of an honest purpose to meet our obligations.

Faith in the intention of the Government to preserve both the form and spirit of its contracts inviolate is the only foundation for our financial prosperity. Beware of the earliest steps tending to weaken or impair it.

RECONSTRUCTION.

The downfall of the rebellion did not terminate the danger arising from the action of the Southern people. Where the appeal to arms was ended, the task of statesmanship began, and an experience of two years has demonstrated that it is a work quite as full of difficulty as that which we crowned with success upon the field. Let us not forget that we have merely ascended to another scene in the struggle. It has passed from the battle-field to the forum, but it is the same combat, waged for the same purposes, and animated by the same ambition. The spirit of the rebellion is still alive and strong; strong in the influence of its controlling minds; strong in the devotion and numbers of its followers; strong in the social distinctions which gave it birth. The hope that forbearance and healthful reflection would soon baptise its votaries into loyalty and love for the national flag has been disappointed.

In the light of this fact our government has devised a plan of reconstruction, establishing a temporary military government in the South, to remain until its people shall ask for admission to the councils of the nation upon the basis of equal rights and political equality.

In this policy I heartily concur. Power undoubted and plenary is in our hands to prescribe the terms of restoration. When it is urged then, that the application of military law to the refractory people of the South is despotic, it is forgotten that an appeal to arms involves a compliance with its bloody decision. They who, with long years of intrigue, boastfully and arrogantly, challenged the nation to the sanguinary field, empowered us to work our will upon them, restrained only by our duties as statesmen and Christian men. To deny this principle, severe though it be, would be to deny the correctness both of history and reason. To declare that its adoption in the present instance is impolitic and unnecessary, would be to set the seal of untruth upon every report that reaches us from that misguided people, and brand with falsehood the utterances of tried lovers of our Republic. No government can secure respect at home or abroad, which does not protect its citizens.

The magnanimity of the American Republic in dealing with treason is unparalleled in history. Its spirit was declared in the words of its noblest martyr, "Malice towards none; charity for all." Indemnity for the past has been forgotten in the task of erecting guarantees for the future. Content with establishing barriers against probable danger, busied with the work of compacting and solidifying the principles revealed by the war, the sword of the law has been withheld from its deserving sacrifices, and the sacred altar of Justice will probably not be stained with the blood of a single victim. To what extent this may have been questionable leniency, I will not presume to say. How far the legal and traditionary punishment for treason should have been extended, patriotic men may well have differed in determining. That some retribution should have been visited upon the wicked chiefs, a punishment sufficient to have made "treason odious," and to have stood as a warning monument of the danger of like unhallowed ambition, I have no hesitation to declare.

Deprecating the arrogance of victory we have accepted our responsibilities with no desire to be vindictive or exacting. The consciousness that the Southern States were a part of our own territory, and their inhabitants a part of our own people, whose well-being must contribute to the future glory of our country, has been the light in which the work of reconstruction has thus far progressed. At the same time, we have felt bound to insist that those States should concede whatever guarantees are essential to the future safety of the Union. We can not permit the truths established by the war to relapse into a state of doubt, nor the fruits of victory to be swallowed up in a magnanimity which neglects its own salvation. We can afford to be generous, but we must not be unjust.

SUFFRAGE.

In restoring the Southern people to rights within the Union, let no discrimination be made against the black man. Fidelity to the Government should be a passport to the high privilege of suffrage. The public welfare must not be imperiled by entrusting its control to hands of doubtful loyalty, much less to hands whose open hostility has only been avoided by their weaknesss. If any voice came from the tomb of the past six years, it proclaims: *Beware of placing doubtful guardians over the palladium of your liberties. Secure the safety of the government beyond a doubt. Let all loyal men share in the heritage which has been purchased with loyal blood.* The caprice of men fresh from their carnival of treason must not be allowed to deprive us of the co-operation of four millions of people whose votes and acts would interpose the most formidable obstacle to the designs of seditious men. To refuse to stay up the hands of the Union men of the South, who resisted secession in its inception, and maintained their opposition to it, through all the trying extremities of war, by making the alliance of the black man available, would be as ungrateful to them as perilous to ourselves.

The theory of our government awards to the individual the largest measure of political trust consistent with the public safety. It declares that "Governments are instituted among men, deriving their just powers from the consent of the governed." Consistency, therefore, requires that emancipation should be followed by the right of suffrage, for equality is a cardinal principle of the American Constitution.

To the negro himself the ballot is a necessity. Without it freedom will be to him an undefended fortress. Give him a vote and you at once invest him with a panoply which his recent owner will have neither the power nor wish to assail. The sentiment of mankind will approve such a policy, and our justice will be repaid by the presence of a loyal army of defenders of our Constitution in every Southern State.

Many profess to see danger from this extension of the elective franchise. In these apprehensions I have no share. Away with distrust of a people who braved the lash and bloodhound to shelter the soldier of the Union, or guide him to the protection of his flag! Let their ignorance be forgotten in the remembrance that it never beguiled them into the subtleties where Refinement fell. The solemn responsibilities of suffrage can be more safely entrusted to the heroes who charged at Fort Wagner and Port Hudson than to the cultivated aristocracy who raised the flag of rebellion at the behest of personal ambition. An honest instinct is worthier than a perverted intelligence. Entitled to our gratitude for their unwavering attachment to the national cause, and for the heroic courage they contribted to its defense, and challenging our respect for their judicious use of the privileges of freedom, let us invite them to share in the blessings which they have helped preserve.

Our own State has already taken the initiatory steps toward the abolition of all distinction of race and color from the Constitution. Let us not fail at this session to advance the work inaugurated by our predecessors, of giving to our colored population the enjoyment of those political privileges which have hitherto been denied to them. They have demonstrated their manhood in the stern realities of war, and in this enlightened Commonwealth no longer let any prerogative of manhood be denied to man. That others falter and cower before the seeming difficulties of this measure, should be no discouragement to us. Let us not emulate their cowardice nor share in their dishonor. Let the alacrity with which we concede the privilege equal the readiness with which we gave them our flag and sent them forth to fight our battles. Let those who nobly volunteered and gallantly defended the flag of the Union—who stood between the foe and our heritage of a common country never have cause to charge Iowa with lack of courage to do justice to her colored soldiers and residents.

Gentlemen of the Assembly: I can not neglect the opportunity to congratulate you upon the favorable auspices under which you enter upon your duties. War with its stern necessities no longer trenches upon the industrial interests of the State. While the responsibilities have ceased with the overthrow of the rebellion, other and more substantial fields invite your effort. Our State is yet in its early manhood. But twenty-nine years have elapsed since the first law-making body of the "New Purchase" assembled in a sister city. Hardly a single generation has passed away, since the few scattered colonies upon the banks of the Mississippi, whose abiding faith in the future seemed even then to foreshadow the glorious reality, have grown to the vigor and strength of an inland empire. The achievements of the past will be succeeded by other advances, no less wonderful. Her sons are but the pioneers of the millions who shall yet find a home on her prairies. The abundant harvests upon which we now congratulate ourselves, are but an earnest of the marvelous resources of a region, richer even than our thought or hope.

The eye of discovery has revealed the presence of a variety of mineral wealth whose possibilities may prove a great reservoir of power for the demands of civilization. The streams which divide its surface must be made to roll the wheels of machinery and mould the products of our care into the fabrics of trade. Regions hitherto undeveloped are to be bound to our commercial centers by links of railway communication. Worthy industries are to be encouraged and internal improvements of every kind zealously promoted by the judicious patronage of the State.

Let it be our boast and pride that we fear nothing so much as ignorance and artificial distinctions between man and man. Let us establish our power firmly upon the foundations of intelligence and liberal ideas, making manhood our only title of nobility, and believing in nothing so hopefully as an educated public opinion.

But one-sixth of our lands are yet enclosed. Our hopes for the settlement of the millions of acres whose wealth is yet in reserve are largely affected by the character of our institutions. Immigration gravitates toward social order, free schools and equal laws. Our population is largely enriched every year by the tide which reaches us from other and less favored lands. They seek, under the beneficent patronage of our institutions, their privileges as farmers, mechanics, merchants and professional men—transplanting to our soil that love of liberty which impelled them from their old homes. We have nothing to fear from their presence. The sturdiest defenders of freedom are those who have felt its loss.

In the guardianship of the sacred trust which has been reposed in us, the good of the State should be our ruling motive. A just sense of our responsibilities will forbid us to harbor the spirit of partizanship or balance the claims of section or party against the good of the whole. However cherished may be our political convictions, let us remember that we are not the representatives of particular interest or favored classes, but are the servants of the *whole* people, and that, in our keeping, the rights of majority and minority should be equally sacred.

Full of hope in the future of our State, whose past has been so favored of Providence, and whose present is so rich in prosperity, let us apply ourselves with zeal and fidelity to the advancement of her interests. If we should not summon to our aid the wisdom of statesmanship, let us, at least, meet our responsibilities with faithfulness, integrity and earnest devotion to the Commonwealth; and may the God of Wisdom and Justice guide us in His own appointed ways.

[SAMUEL MERRILL.]

FIRST BIENNIAL MESSAGE

JANUARY 11, 1870

From the Iowa Legislative Documents for 1870, Vol. I

Gentlemen of the Senate and House of Representatives:

In accordance with the requirements of the constitution, it becomes my duty to present for your consideration a succinct account of the condition of the State, and of the institutions under its care, with such recommendations and suggestions as may seem to be called for.

FINANCES.

The condition of the finances is fully shown in the report of the Auditor of State, which is before you, and in that of the Treasurer of State, herewith submitted.

During the fiscal term ending October 31st, 1869, the period covered by those reports, there was received into the treasury, on account of the general revenue, inclusive of $82,114.48 on hand November 1st, 1867, the sum of $1,839,668.12; the expenditures amounted to $1,553,507.96, leaving a balance in the treasury of $286,160.16. The above mentioned reports show the sources of this revenue, and the objects of these expenditures. This balance, it is proper to state, includes the sum of $9,519.63, paid out on account of losses by fire at the Penitentiary, for which the Treasurer holds the Warden's receipt. This amount deducted, there is an actual cash balance of $276,650.53 in the treasury. This large amount is partly due to the payment by the general government of the sum of $229,827.39 on account of claims for expenditures by the State during the war, and the further sum of $18,117 to reimburse outlay for the defense of the northern border of the State, subsequent to the massacre at Spirit Lake in 1857.

This balance is the largest ever reported at the close of any fiscal year, and indicates a condition of financial soundness which, it is believed, few of the States enjoy. There should be, at all times, a sufficient surplus in the treasury with which to cash all warrants promptly on demand. Such has been the case in the main with us for several years, and during the term just closed the State Treasurer paid every warrant on presentation; and there are now no outstanding warrants drawing interest.

The receipts during the fiscal term on which we have just entered, including balance of general revenue in the treasury November 1st, 1869, are estimated at $2,308,883.57, and the expenditures at $1,107,955.20, to which sum must be added such special appropriations as the General Assembly, in its wisdom, may see fit to make.

The long experience of the Auditor of State, both as county and State official, and the faithful and acceptable services of that officer and of the Treasurer of State, in their respective departments, entitle the suggestions in their reports, on matters of vast importance to us, to your favorable and careful consideration.

INDEBTEDNESS.

The bonds issued in 1858 for $200,000 ceased to draw interest on the first of January, 1868. Prior to that time, as stated by my predecessor in his message to the last General Assembly, the amount of $114,000 had been paid. The remainder of these bonds have since been redeemed. Our existing indebtedness, therefore, consists of the war and defense bonds of May, 1861, amounting to $300,000, and drawing seven per cent. interest. These bonds are not due till 1881. I would recommend, however, that the Treasurer of State be authorized to use surplus funds in the treasury for the purchase and cancellation of these bonds, whenever they may be obtained at par, and when, in the opinion of that officer and of the Auditor of State, the condition of the finances will allow it.

THE CENSUS.

The Census of 1869, being the eleventh enumeration of its inhabitants made under the authority of the State of Iowa, shows a continuous increase in the population and resources of the State. The report of this Census, carefully prepared by the Secretary of State, is before you. It will be found to contain a vast amount of information, in addition to that comprehended in the Census proper. Two counties and one township failed to report; for these I have adopted the figures of the Census of 1867, although a closer approximation to accuracy would be attained by the substitution of higher figures.

The total population of the State, according to this report, with the additions mentioned, is 1,042,807, an increase during the two years since the last previous enumeration of 140,767, or 15.60 per cent—an average of 7.80 per cent per annum: about two and a half times the average annual increase of the United States during each decennial period. Of this population 5,345 were persons of color, an increase of only 630 or 13.30 per cent. The smallness of this gain —it being less, both absolutely and relatively, than is reported in any previous biennial period since the first enumeration of this class of population—tends to demonstrate the correctness of the views, long entertained by leading statesmen, that, with the abolition of slavery, this race would incline to settle in warmer climates.

The population of the State to the square mile, in 1847, was 2.1; in 1850, 3.4; in 1856, 9.4; in 1860, 12.2; in 1865, 13.7; in 1867, 16.4; and in 1869, 18.9.

Not only is the increase of our population satisfactory, but its permanent character is demonstrated in the greater proportionate increase of dwelling-houses. In 1867 there were 155,558 of these, or 100 to every 580 souls, now there are 183,921, or 100 to every 566 souls.

The returns of agricultural labor continue to show steady and vigorous development of this prime source of our wealth. There were produced in the State, during the year 1866, 14,635,529 bushels of wheat, 56,928,938 of corn, and 17,552,064 of all other grains; and in 1868, 17,963,555 bushels of wheat, 76,507,575 bushels of corn, and 20,237,426 bushels of all other grains. Other articles of produce show similar advancement. But in nothing are the natural resources of the State being developed more rapidly than in the amount of coal mined. In 1864, 66,663 tons of coal were taken out; in 1866, 99,320, an advance of nearly 50 per cent.; and in 1868, 241,453 tons, an increase of over 143 per cent. above the yield of 1866. Recent discoveries of extensive coal-fields in our State are of peculiar interest and value at this time, when the vast prairie lands of our north-western counties are being rapidly filled with settlers.

PUBLIC LANDS.

The report of the Register of the State Land Office, herewith submitted, presents a very full review of the condition of the various land-grants, giving in detail the lands located with special swamp-land indemnity certificates, and also those certified under several of the railroad grants.

The extent of the various grants made to the State is as follows:

For the use of common schools—		
16th section grant, acres..	1,013,614.21	
500,000 acre grant, acres..	530,395.96—	1,544,010.17
For the use of the University—		
University grant, acres....	45,928.84	
Saline grant, acres.......	46,101.53—	92,030.47
For the Agl. College and Farm—		
Agl. College Grant, acres.	204,309.30	
Five-section grant, acres...	3,200.00—	207,509.30
Total for educational purposes, acres—		1,843,549.94
Swamp-Land grant—		
Lands in place, acres.....	814,878.71	
Indemnity, acres.........	318,844.88—	1,133,723.59
Grants for internal improvements—		
Des Moines River, including that for railroad to Minnesota, acres.......	833,079.90	

Burlington & Missouri, River Railroad, acres...	287,095.34	
Mississippi & Missouri, [now Chicago Rock Island & Pacific] R. R....	476,674.36	
Iowa Central [now Cedar Rapids & Missouri] railroad..................	775,454.19	
Dubuque & Pacific [now Iowa Falls & Sioux City] Railroad..............	1,226,538.32	
McGregor Western [now McGregor & Missouri] Railroad..............	372,800.00	
Sioux City & St. Paul Railroad.................	328,030.00—	4,299,672.11
Aggregate of all grants, exclusive of indemnity school lands, acres.....		7,276,945.64

In addition to this amount, many thousands of acres more will probably be patented to the State on account of the swamp-land grant, and some perhaps in lieu of the sixteenth section disposed of, prior to the grant of that section by Congress. Besides the lands given to the State for these various objects, the general government has granted land directly to certain railroad companies to aid in building their lines of roads. These grants, in the aggregate, make a gift of magnificent dimensions, and include one-fourth of the territory of the State, and, taken together, comprise an area equal to that of the States of Massachusetts, Rhode Island, and Connecticut.

COMMON SCHOOLS.

The report of the Superintendent of Public Instruction gives a comprehensive view of the workings of our common school system during the last two years. A gratifying progress in the cause of popular education is apparent.

The number of districts (including independent districts) is 1462, an increase of 141 in the biennial period; the number of schools is 7009, an increase of 780; of these schools 221 are graded. The number of persons between the ages of five and twenty-one is 418,168; the agregate number attending school is 296,138, or 70.82 per cent of the whole, and the average 178,329, or 42.65 per cent of all. In 1867, there were 372,969 within the school ages, of whom 257,281, or 68.98 per cent. were enrolled as scholars, with an average attendance of 148,620, or 39.85 per cent. The percentage of attendance, both aggregate and average, thus show a satisfactory increase. I find that in 1857, the last year under the former system of districts, the number enrolled in the schools was only 407 in 1000 of the whole number of children between the prescribed ages; in 1865, it had advanced to 670; in 1867, to nearly 690; and in 1869, to 708, as shown above. In 1865, the average attendance equaled 369 in 1000; in 1867, 398; and in 1869, 426. I find no return of the average in 1857, and am therefore unable to compare it with figures of later years.

The number of teachers employed in 1869, was 11,994; in 1867, 10,343; and in 1857, 2996. The average compensation of male teachers in 1869 was $9.24 per week; in 1867, $8.97; in 1857, $6.09;—of female teachers in 1869, $6.79; in 1867, $6.16; in 1857, $3.24. In 1869 there were 743,521 days of school taught, an increase since 1867 of 94,841, and since 1857 of 575,245. The average cost of tuition in 1869 was 34 cents; in 1867, 34½c. The amount paid teachers in 1869 was $1,438,964.04; in 1867, $1,161,653.13; in 1857, $198,142.55. The number of school-houses is 6,407, worth $5,295,364.45; in 1867 there were 5,454, worth $3,450,978.93; and in 1857, 1,686, worth $571,063.91. The amount of district tax levied last year for the teachers' fund amounted to $1,106,040.21, and in 1867 to $620,341.12; in 1857 $71.784.58 was raised by "rate-bill and voluntary subscriptions." For all other purposes, the district tax levied last year was $1,407,872.71; in 1867, $877,974.69. I have extended this statistical exhibit so as to afford a view of the growth of our school system, and of the increasing interest of the people in it. I have cited the figures of the year 1857, because they were the last under the former educational system of the State, which gave place in the following year to that now in force, and hence furnish a proper basis upon which to estimate the growth of our educational interests. In 1857, there were 195,285 children within the school ages—a little less than one half the present number, while the population of the State was a little more than half that of to-day; yet the number of scholars then enrolled was less than one-third, that of school-houses about one-fourth, that of teachers and of school days less than one-fourth, those of 1869. The amount paid teachers in 1857 was less than one-seventh, that of the value of the school-houses was about one-ninth, and the amount provided in the district for the support of teachers less than one-fifteenth, those of the past year.

These figures are not only pleasing, but they demonstrate the gratifying success of the present plan of organization, which, with, sundry modifications, has now been in operation over eleven years. Yet satisfactory as these statistics may be, we should sadly err, if we were to imagine that nothing more can be done by us. What we now behold are only the beginnings of a temple of knowledge, whose magnitude and grandeur will be commensurate with the wisdom and munificence of its builders. I recommend, therefore, such legislation as may be found necessary towards supplying defects in our existing educational system and for expanding it, so as to make it more thorough and comprehensive. The recommendations of the Superintendent, whose long experience as an educator, in our own and other States, entitles them to your attentive consideration, will be before you in his report. I would suggest, in view of the vast extent of our State, the importance of the work, and its increasing demands on the time of the State Superintendent, whether it would not be advisable to provide for the selection of one assistant superintendent in each congressional district, whose duties would be indicated by their official designation, and who should be required to hold teachers' institutes in the several counties within their districts. I believe this would provide for a better and more effectual supervision of our schools, both general and local, than we have yet known, and be a means of advancing the standard of both officers and teachers of the schools. Much time and expense, I think, might be economized if our schools could enjoy the benefit of actual, frequent, personal supervision by county and State superintendents. These superintendents should be practical educators, chosen because of special qualifications for these responsible positions. Your experience and knowledge of these matters, however, will enable you, with other means of information, to decide and act on all these subjects to the satisfaction of the people.

I would call the attention of the General Assembly to the salary of the Superintendent of Public Instruction. I appointed the present incumbent one year ago, to fill the vacancy occasioned by the death of the lamented Wells, without his solicitation and against his protest, because I believed him possessed of a degree of enthusiasm and love for common schools rarely excelled. He accepted this position with a salary of $1,500, resigning one worth more than double this amount.

NORMAL SCHOOLS.

The proper education of the youth of our State is a duty paramount to every other. To do this we must have well-qualified teachers. The graduate from the normal school having been educated with special reference to the courses of study and methods in the public schools, will, of necessity, other things being equal, take the precedence over one educated without this previous preparation.

At the present time, so far as I can learn, the demand for well-qualified teachers is far greater than the supply; and the rapid increase of the population of the State multiplies this deficiency. The Normal Department of the State University, which is the only professional school in the State for educating teachers, specially, is altogether insufficient to meet this growing demand. In justice to our best interests we ought at once to widen our normal-school facilities.

In most of the leading States, normal schools, to the number of two or more in each, have been established and receive annual appropriations from their legislatures. The beneficial influence of such schools is no longer questioned; and we may with profit follow their example. I feel confident that the hope of our common schools lies largely in this special preparation of teachers, and I would therefore urge upon the General Assembly, to do something in this direction. It has occurred to me, that, if my recommendations hereinafter made relative to vacating the "Soldiers' Orphans' Homes" at Glenwood and Cedar Rapids meet your approbation, those new buildings could be fitted up for the purpose of normal instruction.

STATE UNIVERSITY.

During the last session of the General Assembly, the long vacant presidency of the University was filled by the appointment of James Black, D. D., of Washington College, Pennsylvania, a ripe scholar, and a gentleman of acknowledged ability. The wisdom of the selection has been justified by the history of the University since he became connected with it.

Two departments, devoted especially to instruction in the learned professions, have been established within the last two years. The Iowa Law School, a private institution, situated at Des Moines, was in September, 1868, removed to Iowa City, and, being merged in the University, became its law department; the gentlemen who had previously conducted the law school with eminent success being chosen professors of the new department.

In the same month, the Board of Trustees established the medical department, but it was not until the June following that any of the chairs were supplied, and it is only within a few weeks that the last remaining vacancy in the faculty was filled. It is intended to open this department in the fall of 1870.

The preparatory department, so long an offense to many friends of the University, has been discontinued, and its more advanced class merged in the collegiate department, the course of study therein being extended to five years. There has also been a rearrangement of the course of studies, an increase in the list of optional ones, and larger provision made for the study of our own language and its literature.

Altogether, the history of the last two years of this institution has been most cheering to its friends. It is a laudable ambition which aspires to the hope that in this fair commonwealth shall be reared an institution, which, enriched by culture, strong in the sympathies and affectionate pride of the people, and wisely and judiciously managed, shall one day rank with the most famous seats of learning.

The endowment fund of the University is $212,396.28. This is exclusive of unsold land, which is valued at $22,049.28. The income of the University, during the two years ending June 30, 1869, was $60,182.65, inclusive of $8,287.83 received from the State treasury, and the expenditures $54,372.22. Many improvements have been made in the buildings and equipments, and considerable accessions to the library; a law library established, and additions made to the geological, botanical, and other collections to the scientific apparatus; for details of which you are respectfully referred to the report of the Board of Trustees.

STATE LIBRARY.

The report of the Librarian shows the present condition of the State Library. The number of volumes therein is 10,961, besides several hundred pamphlets. During the last two years, sixteen hundred and thirty-one volumes have been added to the Library by exchange and donation, and thirty-five have been sent away. The act of the last General Assembly, reviving a law repealed in 1864, giving the Secretary of State authority to dispose of Supreme Court Reports in exchange for books on law and equity, to be selected by the Judges of the Supreme Court, has caused an accession to the law library of 542 volumes of valuable and needed works, and more are yet to be received. From this source we may rely on receiving about one thousand dollars' worth of books per annum. These, with exchanges and donations, will add to the library not far from two thousand volumes during the next two years. Besides, the general library, to which no additions have been made since the removal of the capital from Iowa City except of a few books presented to the State, should be replenished. Yet the library apartments are too small even for the present demands, a great number of books being boxed up and otherwise put away, for want of room. I respectfully urge upon the General Assembly, therefore, the necessity of providing additional shelf-room for the library. For this purpose, the room now occupied by the Supreme Court might be taken, and other provision be made for the accommodation of that tribunal. I would also recommend the revision of the law on this subject. The present act was passed many years ago, when the number of volumes in the library was quite small, and when one of the State officers could readily attend to it without neglect of his other duties. Now, the proper care of the room and books require the time and attention of one person, who should receive appropriate compensation therefor, and be held responsible for the safe keeping of the property. He should also have charge of the reception and distribution of all books connected with the library under the laws of the State.

ADJUTANT AND QUARTERMASTER-GENERAL'S OFFICE.

The report of the Adjutant-General, and Acting Quartermaster-General gives many interesting facts in relation to the collection, return by companies and individuals, and the present location and distribution of the arms, etc., belonging to the State, which are fully set forth in the tables accompanying the reports, as also the expenses of the Quartermaster's department and for clerks. It appears that he has paid into the State treasury the sum of two thousand and eighty-one dollars and fifteen cents for unserviceable arms, etc., sold. He has also returned to the State treasury the sum of six thousand six hundred and sixty-five dollars and twenty-three cents of the nine thousand five hundred dollars appropriation made at last session for new building, iron furniture, fence, and other improvements in the Adjutant-General's office. The sale of the arms, etc., obviated the necessity, under the law of cleansing and repairing the same, and also the need of another building for their accommodation. His course in this respect met my recommendation and approval. There are now due to the State from the United States, in arms, accoutrements, etc., $31,425.07.

The returns and estimates for the year 1869 make the number of militia 141,646.

The Adjutant-General issued, under chapter 123 of the Laws of the Eleventh General Assembly, and chapter 8 of the Laws of the Twelfth General Assembly, being the acts in reference to the gray uniforms for the Second and Third Iowa Infantry, eight hundred and fifty-two certificates, amounting to twelve thousand and sixty-four dollars and one cent. The whole appropriation for the "gray suit" was thirteen thousand five hundred dollars. This would leave unexpended one thousand four hundred and thirty-five dollars and ninety-nine cents; but from the Adjutant General's statement I am satisfied that just claims could be filed amounting to more than this balance. I would therefore call the attention of the members of the General Assembly to this matter, so that justice may be done to all.

The Adjutant-General has issued, under Chapter 120, of Laws of the Twelfth General Assembly, providing for the adjustment of claims of membesr of the First Iowa Cavalry, five hundred and sixty-nine certificates amounting to twenty-seven thousand eight hundred and sixty-seven dollars and forty-two cents. The applications and evidence in these cases, together with the pay-rolls (except for eighty-eight dollars) of each company, have been furnished to the Commissioner of war claims of the State against the United States.

The duties of the Adjutant-General, aside from those as acting Quartermaster-General of the State, during the last two years, have been mostly confined to answering letters from officials, and from officers and privates of our late volunteer force. An examination of the correspondence in relation to enlistments, dates of musters, credits, absences, discharges, etc., will show at once the importance of a correct record in this department. Through the department of the Quartermaster-General of the United States, there has been furnished to this State, in common with the other States, about five thousand pages of printed matter, showing the graves of the Union dead in national cemeteries and elsewhere. Each State thus has an opportunity to transfer from that record the facts which give the place of burial, and location and number of grave, of each of its soldiers, so far as furnished. The data in the copies furnished to this State have nearly all been transferred to our rosters of regiments, and upon the receipt and entry of the numbers of these reports, soon to be issued, we shall be enabled to tell the exact location of the remains of most of our dead. Still there will be many graves of brave men, which, in spite of all the efforts of kind friends and all the power and aid of the government, will remain marked "Unknown."

The Adjutant-General recommends the copying of certain documents and rosters in his department, and I would direct your attention to this matter.

There are still large amounts due to Iowa officers and soldiers who served in the Union Army. These amounts include claims for back pay, bounties, commutation of different kinds, and pensions, and there is a strong probability that Congress will pass some law for the relief of the soldiers of 1812. The Adjutant-General is cognizant of most of the facts in the more complicated cases of the first named class of claimants, still unsettled and still unattended to; and it appears to me that it would be justice to our soldiers to require that officer to attend to all these claims of our late volunteers, and also to those of the soldiers of 1812. These last named veterans are few in number, and are worthy of all the aid and assistance that can be rendered by the State. This service should be rendered all these claimants, and all necessary blanks and instructions not furnished by the United States should be supplied from the Adjutant-General's office without charge.

WAR AND DEFENSE CLAIMS.

On the last day of the Fortieth Congress, an act was passed, appropriating $229,848.23, or so much thereof as might be found necessary, to reimburse the State for expenses incurred and payments made during the rebellion, as examined, audited, and found due the State by Gen. Robert C. Buchanan, commissioner under act of July 25, 1866. In accordance with this act I received in July last from the general government, through the State Commissioner a draft for the sum of $229,827.39, the amount ascertained by the auditing officer of the federal government to be due the State. I have also received, through the same channel, a draft for $18,117, on account of claims arising prior to the war, as before mentioned. For both these amounts I hold the Treasurer's receipt.

The aggregate amount of these claims originally was $1,090,754.78, of which $867,661.63 have been allowed and received by the State; $28,739.22 have been suspended and disallowed; and $194,353.93 are in process of settlement. How large a proportion of the amount yet withheld, namely, $223,093.15, will be recovered is extremely doubtful. But the commissioner thinks it not impossible to collect within ten per cent. of the gross amount of our whole claims. To do this will require payment by the general government of an additional sum of $114,017.67.

GEOLOGICAL SURVEY.

The report of the State Geologist is received, and will be laid before you. The last General Assembly made no provision for the printing of this report, and no general law could be found which would authorize the publication of it. It will therefore be submitted in manuscript.

This report presents important facts connected with the geology of the State. Among the valuable results of this Survey, we have a strong probability that the extent of the coal area of the State will be found to be much larger than at present known, while we have also the northerly and easterly limits of these fields defined. The existence of vast quantities of peat has also been demonstrated. These facts, considered in connection with the thriftiness with which all sorts of native timber grow in our soil, give a highly favorable solution to the question of a supply of fuel—that vitally important one in all prairie lands. The report contains papers on various subjects connected with the objects of the Survey, as well as some valuable contributions on other scientific matters of interest and importance to our agricultural State.

It is proper to state that this Survey is not finished. I believe it advisable to make further appropriation for its completion. Its value to the State is of a permanent character, and ought not to be marred by incompleteness. In any event, I would urge, with the Geologist, that the unfinished work in the coal field be completed.

INSTITUTION FOR THE EDUCATION OF THE BLIND.

The report of the Principal of the Institution for the Education of the Blind exhibits the continued successful operation of this noble beneficence. During the past two years, eighty-two pupils have been recipients of its privileges; and at the present time there are fifty-four in attendance, of ages varying from eight to fifty-six years. In accordance with the act of the last General Assembly, the building has been materially enlarged at an expense within the appropriation for that purpose. The Trustees, after investigation, determined not to use the appropriations made at the last session for new heating apparatus and slate roof except for some necessary repairs and for obtaining estimates, as there seemed to be no prospect of securing anything satisfactory for the amount of such appropriations. For these purposes, and for other improvements, and to meet a deficiency in current expenses, appropriations are asked; as also to afford increased facilities for imparting instruction. The amount required, according to the estimate of the Trustees, for the next two years, is $26,731.13.

The expenditures during the two years amounted to $29,-308.82 for support, and $44,280.78 for improvements; in addition there were bills matured but unaudited, at the date of the report, amounting to $3,216.54, making the aggregate of the expenses $76,806.14. The Institution has received from the State Treasurer the sum of $72,376.86, from sale of produce $153, and from products of industrial department, $951.82, amounting in all to $73,481.68.

The question begins to press itself on our notice, how to care for this unfortunate class after they shall have completed their educational course at this Institution. Restricted in occupation much more than those who have lost the sense of hearing, even that narrow range is gradually contracting, owing to the competition of machinery and the multiplication of cheap labor. A continuation of these causes will eventually deprive the blind of even their present precarious means of subsistence. Those must be provided for who cannot care for themselves, and who have no friends able and willing to supply their wants. They may, it is true, receive the cold attentions of the county authorities, and be domiciled in poor-houses, but to such treatment of this class of the needy, there are grave objections of a humanitarian character, which will readily suggest themselves. I am therefore constrained to urge upon the General Assembly that some provision be made for the employment, at the work-shops of the Institution, under the proper restrictions, of those who have completed a course at the Asylum, and who may need a shelter, with a view to establishing eventually an industrial home for the blind. I particularly ask your attention to the remarks on this subject by the Superintendent.

INSTITUTION OF THE DEAF AND DUMB.

The reports of the Trustees and Superintendent of the Institution of the Deaf and Dumb show satisfactory progress and condition. The appropriations for the term were more than sufficient to meet all expenditures. The number of pupils receiving instruction during the past two years is one hundred and twelve, coming from forty-two counties, ninety being the number received the present term, and more than a dozen have been refused admission for want of room. The buildings used by the Institution have been overcrowded, the number of pupils being largely in excess of that reported during any previous term. The general health has nevertheless been good.

The leases, under which the buildings at present occupied by the Institution are held, will expire on the first day of October next, the time specified by law for the completion of the permanent building at Council Bluffs. I concur with the Superintendent in the belief that it will not be advisable to renew these leases for any time whatever, and that such steps should be taken, as may, in the opinion of the General Assembly, be necessary to hasten the completion of the new edifice. In anticipation of that event, it would be well to make provision for teaching trades to the pupils. Various occupations are open to deaf-mutes, in which they attain a proficiency little, if any, inferior to that acquired by persons blessed with full use of all the senses, and at which, of course, they readily obtain a livelihood. A table published in a recent report of an Eastern institution of this kind gives a list of occupations, numbering forty-four, that have been successfully followed by male deaf-mutes; and of eight, which female mutes have pursued. Of these occupations, some thirty were distinct mechanical trades.

The total receipts from all sources for the biennial period, including $30,150.66 from this State and $351.25 from the State of Nebraska, were $34,706.58, and the total expenditures for same time, $29,887.82, leaving a balance on hand, November 1st, 1869, of $4,818.76.

On the 10th day of August, 1868, a contract was entered into, by the Commissioners in charge, for the erection of the proposed building at Council Bluffs for the sum of $121,500. The total sum expended in the work up to Nov. 1st, last, was $77,238.72—the balance of the appropriation of $125,000 remaining undrawn. The building is of a substantial character, and its erection is superintended by a competent architect.

The location of the edifice on the ten acres added to the grounds, as required by the acts of the last General Assembly, necessitated much heavy grading, which has been done, a part of the grounds fenced, and some shade-trees set out. The expenditures for these objects exhausted the margin of the appropriation over and above the contract price for the building, and caused a small deficiency. To meet this, to pay the Superintendent's salary, and to improve the grounds and other work, the Commissioners ask an appropriation of $12,000, which I recommend be made.

The General Assembly, at its last session, adopted a plan for this edifice, and directed the construction of the main building and one wing, but limited the cost to $125,000,— much more than one-half the work to be done for much less than half the lowest estimate of the cost of the structure, according to the original plan, viz., $300,000. It is not surprising, therefore, that the present contractor should anticipate a loss. Some changes and restrictions in the plan, combined with a serious accident to himself, increased the difficulties under which he labored. The granting of increased pay after the performance of work, when a fair contract had been made, is not in general to be commended. Its tendency is to prevent fair competition in public works, bidders being induced to calculate on a gratuity from the legislature to help them out in case of a ruinous contract. Yet, in view of the attending circumstances, of the good character of the work, and of the fact that, with the amount now asked to make up the deficiency, the building will have cost $42,528.10 less than the next lowest bidder offered to do it for, I am induced to ask the General Assembly to appropriate $15,000, to be placed at the disposal of the Commissioners, to be paid, in their discretion, to the contractor, if it be found in equity due him, or to be otherwise used to complete the edifice. Since the last legislative session, one of the commissioners, Dr. E. Honn, has been removed by death. I appointed Gen. Grenville M. Dodge to fill the position thus made vacant.

I would remind the General Assembly that, unlike the Trustees and Commissioners of other institutions, the Commissioners having charge of this undertaking receive no compensation whatever for their services. The distinction is the more observable from the fact that an unusually heavy bond, namely, $100,000, is required of these officers—ten times as much as is demanded of officers who perform similar services, and receive *per diem* and expenses. I therefore suggest that these Commissioners be allowed a compensation in some manner adequate to their labor.

As is known, these institutions for the blind and the deaf and dumb are not for the cure or treatment of disease, but only for educational purposes; yet, in view of the want of any established charities, at which indigent persons threatened with loss of either sense may be treated, and of the injuries to which such individuals are peculiarly exposed by the maltreatment of charlatans, I would suggest, as a proper subject for legislative inquiry, whether some provision might not judiciously be made for the treatment of such needy ones in connection with the medical department of the State University.

HOSPITAL FOR THE INSANE.

As in the other institutions, so in the Hospital for the Insane, the health of the inmates has been remarkably good. The number of patients, however, has largely exceeded the proper capacity of the buildings, and during the past two years, for want of room, seventy-six applicants have been refused admission, and forty-five harmless but incurable patients have been removed or discharged from the Hospital, which contained on the 1st of November last, three hundred and ninety-eight inmates. Persons needing treatment are now more promptly sent to the Hospital than formerly, and it is doubtless owing partially to this fact, that the recoveries exceed those of any previous term. One hundred and twenty acres have been added to the farm, and considerable improvements have been made in the buildings and equipments. The expenditures of the Hospital for the two years amounted to $214,605.72; distributed as follows: $187,734,27 for general support, $8,500 for the purchase of lands, and $16,371.45 for furniture, etc. To meet these expenses the Hospital received $190,437.82, as follows: for general support—from the State treasury $153,500, from private patients $29,986.46, from articles sold, $3,654.77, from balance at beginning of term, $3,240.34 in all, $190,381.57; for lands and improvements—from State, $25,750. For the latter object, the amount of the appropriation was $28,450. The estimated value of the supplies on hand is $31,355.47.

I would invite your attention to the draft of a law concerning the insane, as recommended by the national convention of superintendents of insane hospitals, and appended to the report of this institution, and I would commend the observations of the Trustees thereon to your consideration.

ADDITIONAL INSTITUTION AT INDEPENDENCE.

The Commissioners for the "Additional Institution for the Insane," at Independence, having decided, after mature deliberation, on a plan for the structure, awarded the contract for the erection of the portions now to be built, the price to be paid being $88,114. The unfavorable character of the past season has materially retarded the work, yet the Commissioners hope to finish the building now under contract within the time allowed by law. The expenditures up to the first of December last were $35,774.90. The entire amount appropriated by the Commissioners out of the sum allowed by the General Assembly for various objects connected with their work, including contract price of building, is $100,296.89. The Commissioners ask an appropriation for the purpose of improvements and the building of a horse railroad to the track of the Dubuque & Sioux City Railroad, which, the Superintendent estimates, will cost $12,590.

Here, too, death has been at work, removing from the scene of his labors Mr. Albert Clarke, the resident Commissioner. His place was filled by the appointment of Hon. Geo. W. Bemis of Independence.

AGRICULTURAL COLLEGE.

The report of the Agricultural College does not appear to be due till the first of February; but by visits to the College, and from correspondence with the President, I have obtained information which enables me to present to you a brief statement of the condition of this institution and of its history during the last two years. I would suggest a change in the law, so as to require the report of the College to be made at the same time with the reports of the other institutions.

During the year 1868, the Trustees elected Hon. A. S. Welch to the presidency of the College. Mr. Welch had previously acquired a high reputation in connection with institutions of learning in other States, and his executive ability has been well demonstrated in his management of affairs here. The College was opened October 19th, 1868, and continued in session until January 7th, 1869. The president elect, three professors, and seventy-five pupils were in attendance. On the 17th day of March, 1869, the college building was dedicated, the officers inaugurated, and the first session regularly opened. One hundred and thirty young men and thirty young women were in attendance. The session continued with two hundred different pupils through two terms of sixteen weeks each, and closed for the winter October 28th, shortening the regular year one month, for the purpose of making additions to the heating apparatus, which was found insufficient. Two classes were formed—freshmen and preparatory. Two principal courses of study have been arranged—that of agriculture and that of mechanic arts—composed mainly of the sciences which underlie the professions. Besides these, four subordinate courses of study are proposed: a normal course, a commercial course, a course in civil engineering, and a ladies' course. The progress of the pupils has been thus far in the highest degree satisfactory. The faculty is at present composed of a president, three professors, and three instructors.

The value of the landed endowment may be estimated at $500,000, and that of the College building and furniture, professors' dwellings, the farm with all its improvements, the stock, cash on hand, &c., at $250,000, making in all $750,000. The income for the past year has been $36,000.

The college will reopen on the 9th of March next, and while there are rooms for one hundred and sixty pupils only, I am advised that two hundred and seventy-five applications for places have already been made, and, if there were sufficient accommodation, more than three hundred pupils would be in attendance next year. Additional buildings for public rooms and dormitories are therefore imperatively needed for the full development of this institution. There is, moreover, a necessity for a laboratory and a workshop, for more professors' houses, and for further facilities for farm improvements. These enlargements and additions, without which the growth of the College will be checked, will call for an appropriation of not less than $150,000.

The income of the College arises from lease of lands granted by Congress for the support and maintenance of a college of agriculture and the mechanic arts, all of which lands are now leased. It is ample to provide for the instruction of at least five hundred pupils, and can be legally used only for defraying the expenses of instruction and for the purchase of libraries and illustrative apparatus. By the express terms of the Congressional grant, no part of the principal or income can, upon any pretense whatever, be used for buildings or the repairs for buildings. Hence the necessity of further aid from the State.

I would recommend that the Boards of Trustees, both of this College and the University, be enlarged by the addition thereto, of the Lieutenant-Governor and the Superintendent of Public Instruction.

SOLDIERS' ORPHANS' HOMES.

First of the sisterhood of the States to recognize the justice and necessity of making suitable provision for the care and education of the children of the soldiers of the late war, our State still contributes largely of its resources in aid of this branch of philanthropic effort. Three Homes are provided, at which twelve hundred and ten of these wards of the State have at various times found shelter, care, and education; seven hundred and seventy-three being the number in attendance on the first of November last. These children have here the benefit of a common school, combined with the advantages of a home.

Improvements have been made in the property at all the points. A new building has been erected, at a cost of $25,000, at Cedar Falls, where forty acres of land had been given to the State; another building has been erected at Glenwood, where sixteen acres of land were deeded to the State, and accommodations have been provided for one hundred and twenty-five children; and a chapel has been built at Davenport. The total expenditures the past term amounted to $244,177.06; and the receipts were: from the State, $241,698.54; from donations, $2,549.25; from former balances, $1,307.35; in all, $245,555.14. For improvements during the next two years, an allowance of $21,200 is asked.

The Superintendents and other officers of these Homes are, it is believed, faithful and efficient in the discharge of their duties, laboring earnestly for the good of those intrusted to their charge, and duly sensible of the responsibilities of their positions. The children, too, seem to be properly cared for and comfortably kept.

In the visits I have made to these institutions during my term of office, I have become impressed with the belief that the cottage plan of providing for these children, such as prevails at the Davenport Home, is much preferable to what I might call, in contradistinction, the "hotel plan," under which great numbers of the children are congregated together in a single house. This institution, in order to realize the highest conception of its usefulness, should approximate as closely as possible in character to that of the home of a well-ordered family. I apprehend the correctness of this position will be admitted by all. In furtherance of this view, I would suggest the following measures:

First.—A diminution of the number of inmates of the Home, by securing suitable homes in good families for those who in the opinion of the officers of the institution could thus properly be cared for.

Second.—A more precise definition by statute of the proper children to be received at the Home. The design of the law, although not very clearly expressed, is yet quite evident. The Home is intended for the children of deceased soldiers of the late war. In the interpretation of the law, however, a large latitude has obtained, some being received whose fathers are yet living, although their mothers are dead; and some, both of whose parents are yet alive. This liberal construction of the law is not to be wondered at, in view of the pleading urgency with which the claims of this class of applicants are often pressed. But the State has not as yet undertaken to provide for the children of the surviving soldiers of the late war, and indeed these brave men have not desired it. A strict interpretation of the law and curtailment of the privileges of the institution, would, it is believed, have the effect to lessen materially the number in attendance.

Third.—A discontinuance of the Home at Glenwood at an early day, and of that at Cedar Falls before the convening of the next General Assembly, and an increase of the number of cottages at Davenport, to provide not only for those coming from the other Homes, but also for diminishing the number to be accommodated at each cottage, as at present arranged. This number could, it is thought, be reduced with great advantage to the children, and at little additional expense to the State.

I would also recommend, in connection with the foregoing, that a sufficient amount of land be leased at the Davenport Home, to be cultivated by the boys, under proper direction, on which might be produced a large part of the cereals, fruit, and vegetables consumed in the institution; and I would include the erection of shops, at which various sorts of handicraft might be taught and carried on for the benefit and support of the Home. This labor, while thus relieving the State of much of the expense of maintaining the Home, would be of greater benefit to the children themselves in training them to habits of industry and economy, and fitting them for the active duties of life.

This subject has caused me much thought, and I have felt it my duty to present these views for your consideration, in the full belief that unless some action be taken in the direction I have indicated, much of the patriotic liberality of our people will have been wasted, and possibly made productive more of injury than of good to these children of worthy sires.

PENITENTIARY OF THE STATE.

The extension and improvements at the Penitentiary provided for by the last General Assembly have been completed and the building has now twice its former capacity, with cells for two hundred and sixty-six convicts; and the entire edifice is strong and well lighted and ventilated.

The hospital building, containing, in addition to the hospital, the chapel, dining room, kitchen, and store-room, was destroyed by fire on the night of the 19th of May, 1868, involving also the loss of some $9,000 worth of stores. There being no provision made by law for such contingencies, the Treasurer of State, at the request of the Census Board, on the 13th of June, 1868, advanced the sum of $5,-519.63 to be used in replacing the building. This amount was sufficient to inclose and prepare the new house for use, but more is needed to complete it. To meet the loss incurred by the destruction of supplies, the Census Board, in June, 1868, appropriated $4,000 out of the general contingent fund. This being found insufficient, the Census Board, on the 23d day of March last, requested the Treasurer to advance the further sum of $4,000, which request was complied with. For the sums advanced by the Treasurer of State, amounting to $9,519.63, that officer holds an indemnity bond, jointly executed by the individual members of the Census Board. The indispensableness of these buildings, so constantly needed in the every-day transactions at the Penitentiary, is so apparent that it is hoped the General Assembly will approve of the action of the Census Board and make an appropriation to indemnify the Treasurer.

The number of convicts in the Penitentiary on the first of November last was two hundred and twelve, all of whom were males. During the past two years, two hundred and thirty-nine have been received, and one hundred and eighty-four discharged; one has escaped, and two have died. The discipline of the prison is good. Punishment by the lash has given place to milder but more efficacious modes of treatment. One of the objects contemplated in the punishment of malefactors being their reformation and restoration to society, everything of a debasing or brutalizing character, in the care of convicts, should if possible be avoided. Experience having now demonstrated that the punishment of the lash can be abolished without injurious consequences to prison discipline, I recommend that the General Assembly prohibit by positive enactment the use of this degrading torture.

The Warden estimates the amount of appropriations required for the use of the prison, exclusive of the care of convicts, and including needed extension and improvements, at $17,000.

The cell-room at the Penitentiary may be enlarged so as to accommodate three hundred and eighteen convicts. The number of prisoners on the first of November last, as we have seen, was two hundred and twelve. Two years before, it was one hundred and sixty. A proportionate increase in the future will, before many years, again exhaust the capacity of the prison. An enlargement of the buildings, owing to the peculiarities of the ground, would be extremely difficult and very expensive. Withal, the locality is such as to render it very onerous on the northern and western counties in the transportation of criminals. I therefore recommend that the General Assembly provide for the appointment of a commission to select, somewhere in the northern part of the State, a site for a new penitentiary. It should be located so as to be conveniently situated in regard to railroad facilities, near a good quarry of building stone, and where a sufficient supply of water could be readily obtained for the use of the prison. I would also recommend that the skilled labor of the Penitentiary be made available in the erection of the walls and building. It is believed that the surplus labor of the prison, which comprises all for whose employment no contract has been made, could thus be used to advantage in preparing the stone and laying the walls.

REFORM SCHOOL.

The last General Assembly, in obedience to an urgent demand from the people of all portions of the State, passed an act providing for the establishment of a Reform School to which juvenile convicts, and disorderly and incorrigible youth, should be sent for reformation and education. In accordance with that act, the Trustees leased the tract of land and property belonging to White's Manual Labor Institute, comprising 1,400 acres of land, situated in Lee county, partly improved, with some tenement houses, and the Institute building with walls up and roof on. A contract was entered into for the completion of the building, and the work was carried through with such expedition that in September, 1868, the School was ready to receive boys, the first of whom was admitted October 7, 1868. The number of boys thus far received is forty-five. The limited appropriation made at the last session would not permit the completion of buildings for the accommodation of girls, and thus far only one has been admitted. The number at present in the School is forty, viz.: thirty-nine boys and one girl. The appropriation having been exhausted in preparing the building for the reception of inmates, the Trustees, rather than have the School closed and the experiment abandoned, gave their individual notes to the amount of $4,000, with which to raise money to carry on and support the institution till the General Assembly should make an appropriation.

In the observations of the Trustees, as to improvements on the present grounds, I heartily concur. There should be no further expenditure on buildings there, except for repairs, and I recommend that measures be adopted towards the selection of a new site for the School, centrally located and accessible by railway, and for the erection of suitable buildings at an early day. In connection with the institution, there should be at least one section of land, which the inmates of the School might cultivate; a shop also should be provided where mechanical avocations could be followed; and thus the institution be rendered, to a great extent, self-supporting. The State has a lease of the present grounds extending till 1878, with the privilege of relinquishing at any time. I would suggest that, as so much money has been expended on the buildings there, the General Assembly take into consideration the propriety of renting the lands, retaining the buildings, and placing them under the charge of ladies, for the reception of such girls as may be committed to the Reform School.

The total expenditures of the School, including improvements on the grounds and building up to the 1st of November last, amounted to $26,865.67. To meet this $19,000 was drawn from the State treasury, and $3,173.80 from rents of farm, etc. The indebtedness of the School, including amount necessary to sustain it until the General Assembly shall have made an appropriation, is $5,789. I recommend that this appropriation be made at an early day, as the institution is seriously embarrassed for want of funds.

I regret to say that this institution thus far has not met the expectations of its friends. Perhaps the most prominent source of this disappointment lies in its isolated location. At an inconvenient distance from railroad and telegraph stations, its expenses have been unduly large, and with insecure places of confinement escapes have been frequent. Imperfect as its success may have been, however, let us not be discouraged; but let us continue our efforts to improve and perfect a system based upon principles of benevolence and charity.

The reports of the Trustees and officers of the various institutions referred to by me, will be laid before you, and will, I have no doubt, receive the attentive consideration of the General Assembly.

I would ask of the General Assembly a thorough and minute examination of the institutions under the care of the State, that their condition may be thoroughly known and their wants ascertained, and such aid extended, as in the light of the knowledge thus obtained may be suggested by an enlightened liberality, which, while desirous of husbanding the resources of the State, is yet actuated by such a breadth of view as will maintain and elevate the character of these institutions.

STATE HISTORICAL SOCIETY.

The last General Assembly made a special appropriation to this society of six thousand dollars, in addition to the fixed amount of one thousand dollars; and the society has received from other sources, including former balance, $325.20, making its total income $7,325.20. Its expenditures were $5,630.40.

The Society still continues its labors in ascertaining and perpetuating the early history of Iowa, a work of increasing urgency as our pioneers gradually pass away.

THE CAPITOL.

The report of the Census Board, acting as a Board of Commissioners, under the provisions of chapter 91, of the Acts of the last General Assembly, will be submitted to your honorable body at an early day, accompanied with the plans to which premiums were awarded. In my opinion, these plans should be examined by a competent architect, with authority to consolidate them with such other meritorious plans as have been or may hereafter be submitted, in such a manner that, while a symmetrical plan is elaborated, the maximum of convenience and accommodation may be attained. A suitable building for the meetings of its legislature, for the accommodation of its executive, administrative, and judicial departments, and for the preservation of its archives, is one of the most indispensable requirements of a government. The building in which you are assembled, I submit, possesses none of these characteristics of a suitable capitol. I need not remind you of the crowded condition of the halls in which you meet, of the almost total absence of committee-rooms, of the cramped apartments for the various State offices, nor of the want of security against fire. Besides, the edifice, in point of architectural appearance, is utterly unworthy of our vigorous and aspiring commonwealth. It is believed that no State in the Union, either East or West, has a capitol building so incommodious and so cheap in appearance as has Iowa; and, indeed, many of the territories, and some counties even in our own State, have better buildings in which to transact their official business. I therefore recommend that steps be taken for the commencement of the erection of a new State House: an edifice, which, in magnitude of proportions, symmetry of design, and convenience of arrangement, shall be worthy of our State. An appropriation of $150,000 is probably all that could be economically expended in 1870. The amount necessary for the second year would be a subject for your consideration and determination.

EXTRAORDINARY CONTINGENCIES.

In view of the liability of the public buildings of the State to calamities like the one that occurred at the Penitentiary, heretofore mentioned, and in order to avoid embarrassment similar to that which followed the fire at Fort Madison, I recommend that provision be made by law to meet such emergencies. Twice within a few years has fire destroyed buildings at the Penitentiary, and each time the executive has been compelled to resort to temporary measures of absolute necessity, but, in the opinion of the department itself, of questionable legality. To call the General Assembly together and ask for an appropriation, would be a strictly legal method of procedure; so would a reference of the whole matter to the General Assembly at its next session, to the neglect and peril of the best interests of the State. The expensiveness of the former expedient, and the delay in the latter, render both impolitic. Nevertheless, the financial officers of the State, of course, do not feel warranted in drawing money from its treasury in violation of the law, even when, by so doing, they are satisfied they would be conserving the public interest. A permanent law, properly guarded, to provide for extraordinary contingencies, I consider a necessity of our financial policy.

COUNTIES AND CITIES.

The creation, last session, of the office of County Auditor accomplished a long desired object in relieving the clerk of the courts from all duties as a financial officer of the county, and has received, so far as my knowledge extends, universal approbation. To complete the change thus inaugurated, it remains now to supplement this law with an act placing the control of the court house, and the supervision of the census, (if indeed the present ineffective mode of taking the census is to be perpetuated), in the hands of the county auditor. That officer should also be required to furnish the Secretary of State with the names of all county officers, immediately on their qualification, a duty heretofore required of the county judge. He should also be empowered to appoint a deputy, the same as other county officers. Perhaps some other matters might properly be intrusted to his charge, but your experience will suggest to you such further legislation as may be necessary.

I call your attention to the law of 1853, providing for the organization of new counties, which law should, I think, be materially modified. Under its provisions counties were organized ten years ago, that have less than a hundred inhabitants to-day. To give into the hands of the first few who may wander into a new county the power of levying and collecting taxes, issuing county warrants, fabricating bonds, and disposing of swamp and even school lands, is of more than questionable wisdom. It has an inevitable tendency to attract to these counties unprincipled adventurers by prospects of plunder, and thereby to deter legitimate immigration. I am informed that attempts have been made to organize Lyon county, but that they have been defeated by the protests of the settlers in that county. I would suggest that provision be made by law against the organization of any of the new counties until they shall have attained a certain minimum of population; and that the proceedings towards such organization be had in the district court after due notice of the same. On the other hand, it may be necessary to enact proper laws for assessing the property in these counties, and for the collection of taxes levied therein.

I have made an effort, through a circular issued from this office, to obtain a statement of the indebtedness of the several political corporations of the State, in order to lay the aggregate amount before the General Assembly. In this effort I have been only partially successful. Some of the counties, and a few of the cities and towns, have failed to notice the circular asking for the information. Nevertheless, the returns I have received are such as to enable us to obtain a measurably satisfactory view of this class of public obligations. Seventy-eight counties, all that have been heard from, report a bonded indebtedness, not disputed, including arrears of interest, amounting to $942,672.53; a bonded indebtedness, in dispute, including interest, of $1,646,180; and a floating debt of $752,763.47; in all $3,341,616. Seventy-five cities and towns report a bonded debt, undisputed, of $1,768,308.95; a bonded debt, in dispute, of $696,966.66; and a floating debt of $125,135.42: in all, $2,590,411.03. The aggregate of both is $5,932,027.03.

During the last few months I have received information that pretended bonds of the unorganized county of Lyon have been repeatedly offered for sale in the city of New York. I have also heard indirectly of other similar cases of fraud. I suggest to the General Assembly the propriety of clothing the Governor with authority to employ counsel to aid in bringing to justice the parties engaged, outside of the State, in this and similar crimes, which are not only of injury to the victims of the fraud, but highly detrimental to the financial reputation of county and State.

REGISTRY LAW.

The law for the registration of voters having now been operative at two general elections, an opinion may be the better formed of its utility. You, gentlemen, just chosen by the people under that law, are fully aware of its benefits and defects. In my judgment it might be amended with advantage by providing that the assessor's return of voters should be the basis of the registry list, and that the poll-books of the preceding year be not used for that purpose.

IMMIGRATION.

Without any bureau of immigration, or any provision whatever for diffusing information relative to the climate, soil, agricultural and mineral resources, and extent of unoccupied lands in our State, we receive, nevertheless, a large part of the very best of the immigration that is crowding from our Eastern States and from the old world to seek homes in the growing West. In reply to a request from the Citizens' Association of New York, I addressed, on the 23d of November, 1868, a letter to that association through its president, Mr. Peter Cooper, presenting an amount of statistical and other information such as I thought would be of value to persons contemplating a change of home. This letter, I had the satisfaction to learn subsequently, was reprinted and scattered widely over the Eastern States and foreign countries of kindred tongue, while translations were freely distributed in the countries of continental Europe. In addition, I caused a large number of copies of the letter to be printed and sent to various parts of the country. I have gratifying assurances that this effort has been and will be attended with the happiest results. Nevertheless, with the limited means placed at the disposal of the executive, not a great deal can be done toward inducing immigration hitherward. Many of our neighboring States have systematized plans of operation for the purpose of attracting immigration, and their efforts appear to be successful. I am not prepared, however, to recommend any elaborate organization in this respect. An appropriation of $5,000 could be judiciously expended in printing documents relating to our lands, and the population, resources, and products of the State, and in the circulation of the same. I submit, however, the subject to your careful consideration. Some of our railroad corporations, and wealthy individuals connected therewith, have informed me that they are perfecting a plan for the sale of their lands and aiding emigrants to settle upon our unoccupied acres of unsurpassed fertility.

RAILROADS.

Within the last few years, all our railroad enterprises have become imbued with new vigor, and have pushed their lines forward with rapidity, until now three trunk lines of railroad cross the State from the Mississippi to the Missouri.

The Cedar Rapids and Missouri River railroad was completed to Council Bluffs in 1869, prior to the last meeting of the General Assembly, and was, therefore, the first to cross the State.

The Chicago, Rock Island, and Pacific Railroad Company, to which was transferred at the last session of the legislature the grant originally made to the Mississippi and Missouri Railroad Company, at once put on the line of the road an immense force, and carried the work forward with such expedition that on the sixth day of June, 1869, in a little over one half the time allowed the company, the railroad was completed and running into the City of Council Bluffs, and on the 31st of December, I issued a certificate of the completion of the road.

The Burlington and Missouri River Railroad Company, the only one of the original grantees now in existence, has exhibited similar activity. On the 6th day of February, 1868, I issued a certificate announcing the completion of ninety-five miles of this road, as follows: a section of thirteen miles from Batavia, in Jefferson county to Ottumwa, in Wapello county, completed on the fifteenth of August, 1859; one of twenty-six miles to Albia, in Monroe county, on the first of November, 1866; one of twenty-one miles to a point in Lucas county, about nine miles east of Chariton, on the fifteenth of April, 1867; one of nine miles to Chariton, on the first of July, 1867; one of sixteen miles to Woodburn Station, in Clark county, on the twenty-third of December, 1867; and one of ten miles to Osceola, on the 29th of January, 1868. Since that time work has continued until a short time since, when the road was completed through to the Missouri river.

The last General Assembly resumed the grant held by the Dubuque and Sioux City Railroad Company, and subsequently regranted it to the Iowa Falls and Sioux City Railroad Company, (except forty thousand acres reserved for the building of a road from Dubuque to Bellevue and Sabula,) on certain conditions as to line of road, progress and completion of the work, and subjection to such rules, regulations and rates of tariff as might be enacted by the General Assembly. The grant was not accepted within the period prescribed by the act, (thirty days,) and nothing was done toward the prosecution of the work during the remainder of the year. Early in the year 1869, the company made application to the Census Board for a renewal of the grant. That Board, after full examination of the papers accompanying such application, and finding that the company gave satisfactory assurances of a determination to comply with the requirements of the act, resolved to confer the grant on such company, in accordance with the provisions of section 7, chapter 124, Acts of Twelfth General Assembly. As a result of this action, the road was finished to Fort Dodge in July last, and is now in running order, both westward from that town and eastward from Sioux City, lacking only about fifty miles of full completion; and we have assurances that before next July this gap will be filled, and another railroad completed between the Mississippi and Missouri rivers.

At the last session of the General Assembly, the State resumed the grant made to the McGregor Western Railway Company, to aid in building a railroad on or near the forty-third parallel, from McGregor to the west line of O'Brien county, and regranted it to the McGregor and Sioux City Railway Company, on conditions similar in character to those imposed on the Iowa Falls and Sioux City Railroad Company with the additional stipulation that such company should obtain from the McGregor Western Railway Company a complete release of all its claims to any of the lands originally granted to the latter. Sixty days' time was allowed for the acceptance of this proposition. Before the expiration of that period, an instrument, purporting to be an acceptance of the grant and its terms, was filed in the office of the Secretary of State. Vigorous work was at once commenced on the construction of the road, and within the time limited it was finished to Chickasaw; and now the cars are running to Clear Lake, Cerro Gordo county, anticipating by almost two years the requirements of the law. Furthermore, I am advised that the road is under contract as far as Algona, in Kossuth county, and will be built to that point by July 1, 1870; and I have assurances that the road will be finished during the present year. It is hoped that when this company shall have completed its road, it will find it to its interest to extend its line accoss the Big Sioux to the Missouri river.

In accordance with the requirements of chap. 57, acts of last session, resuming the lands granted by act of Congress to the State for the construction of a railroad up and along the valley of the Des Moines river, the Des Moines Valley Railroad Company deposited with the Treasurer of State the sum necessary to settle certain claims arising out of the Des Moines river improvement. Consequently, in compliance with law, I have patented to the company 362,997.68 acres of the lands granted for this improvement.

The extension of the line of this road has been urged forward with vigor, and it is now in running order to a point some twenty-five miles north of the Cedar Rapids and Missouri road, and about seventy-five from the terminus of the road at the time of the session of the last General Assembly. The act of that session required only the grading of sixty-five miles; the company have, as we have seen, not merely graded, but built this amount of road and ten miles more. The company, however, has failed to file an acceptance of the act above mentioned, as required by section three thereof.

The Council Bluffs and St. Joseph, and the Sioux City and Pacific railroads have also been completed within the past two years. The Burlington, Cedar Rapids & Minnesota railroad has been built from the first-named city to a point within a short distance of the Oskaloosa branch of the

Chicago, Rock Island and Pacific railroad; and has also been built from Cedar Rapids to Vinton. The McGregor Western Railway Company has built a branch to Decorah; the Cedar Falls and Minnesota road has been completed to the State line, there connecting with lines of road running to St. Paul; the Iowa Central has been completed from Eldora to Marshalltown; the North Missouri road has been built into the State in Appanoose county; the St. Louis and Cedar Rapids is progressing in the direction of Ottumwa; and the Chicago, Burlington and Quincy Company has built a road from Burlington to Fort Madison, making connection there by rail with Keokuk. Besides, a railroad has just been completed to Burlington from Carthage, Illinois. Numerous projected lines attract much attention, and a few have made some degree of progress.

The completion of the Pacific Railroad has undoubtedly hastened this rapid development of our railroad enterprises. That event, justly esteemed one of the most memorable of the age, worthy to be ranked with the laying of the Atlantic cables, and the construction of the Suez Canal just finished, would, it was thought, contribute largely toward changing the commerce of the orient, and directing it eastward across the American continent; while the opening up of the States and territories to the westward would also contribute to the traffic to follow this channel. A determination to compete for this trade has sensibly accelerated railroad progress in Iowa the past year; and this has not been confined to east and west lines, but those running or projected in northerly and southerly directions have felt more or less of its influence. Hence the last two years have witnessed the construction of more miles of railroad in Iowa than any two previous years of our State's history. During that time there have been 866 miles of railroad built, making an aggregate of about 2,094 now in operation in the State.

The last General Assembly reserved to the State the right to enact laws regulating rates of tariff on the roads on which it bestowed land-grants. It was thought best, at the time, to take advantage of the opportunity offered to place beyond cavil the authority of the General Assembly in this matter. The owners of these roads are possessed of the power of taking private property for the uses of their projects. The roads, also, are endowed with enormous land-grants, amounting, with those of the other roads, as has been seen, to between four and five millions of acres, or about one-eighth of the entire area of the State. Recipients of such bounties, they have no right to complain if the State reserves to itself the ultimate power to prevent extortion, should such ever be resorted to.

The entire question of regulating, by legislation, the tariff of rates on railroads, has been widely discussed, and is one of great importance. Of the benefit to be derived from such an attempt at regulation, there is, in my judgment, grave question. In order, however, that the subject might be considered with the light which statistics would throw on it, I have endeavored to collect such statistics from the various railroad companies, and have obtained from ten of them answers to my inquiries more or less complete. From these reports I learn that on these lines the sum of $52,476,481.29 represents the cost of construction of 1360 miles of road, or $38,585.86 per mile. Eight of these roads report their gross earnings at $6,776,480.13; and their operating expenses including taxes, $5,262,383.59; leaving a net income of $1,817,179.72, or 4.16 per cent. on reported cost of construction, and 5.69 per cent. estimating cost at $30,000 per mile.

But whatever views may be entertained in relation to the expediency of enacting rates of tariff for railroads, there can be none, I think, as to the policy of endeavoring to defeat any demands of these corporations for exorbitant rates by encouraging and inviting capital to build competing lines to cross our great thoroughfares in northerly and southerly directions, and in opening up our communications by water with the markets of the world, by the routes of the Mississippi, Missouri, Illinois, Rock, and Wisconsin and Fox rivers.

WATER COMMUNICATION.

The improvements in the Mississippi river are being pushed forward as rapidly as the means allowed by Congress will permit. Recently the sum of two hundred thousand dollars was voted with which to continue the work on the lower, or Des Moines River Rapids. These are both of vast importance to the eastern counties particularly, and measurably to all the State, in affording unimpeded water communication eight months in the year to the Gulf of Mexico.

WISCONSIN AND FOX RIVER IMPROVEMENTS.

I have given this subject, during the past five years, much thought and some personal examination. It is receiving consideration in many parts of the country, and especially in the northwestern states. Cheap transportation is the one question which is vital to these States, and to none more so than to Iowa. It is of little consequence whether her products be moved by rail or water, but of the greatest consequence that they be moved at rates whereby the market price will give back the cost of production and a living profit to the farmer. If railways can carry heavy freights as cheaply as water-ways, it is certain that they will not unless compelled thereto by water competition. The improvement of water channels will reduce the charges on every ton of heavy freight, whether moved by water or by rail. Our State has raised during the past year, nearly fifteen millions of bushels of wheat for export. With the freight charges on this quantity reduced, in the cost of transhipment and movement, only ten cents a bushel, the total saving will amount to $1,500,000. But Iowa exports large quantities of other grains and other products, and imports great amounts of lumber, merchandise, etc., so that this large sum would not be one half the yearly saving to Iowa alone. The States of Wisconsin, Illinois, and Minnesota, and those lying further west, will be benefitted, but perhaps in a less degree. With wheat selling in the State of Iowa at an average price of fifty cents per bushel, and on Lake Michigan at seventy cents per bushel, our representatives in Congress should not long hesitate in assuming for their constituents their part of the necessary debt in order to open an ample water-way between the Mississippi and the Lakes. The full results no one can foresee. It would unite the commerce of the lakes, with its two thousand vessels, to the commerce of the Mississippi and its tributaries, with their more than two thousand vessels; and the commerce so united, measured by tons or by values, would be greater than the existing foreign commerce of the country. The highest estimated cost of this improvement, made by Gen. G. K. Warren, government engineer, is about four millions of dollars.

I deem this question so vitally important to the agricultural interests of our State, that I may (if time will permit) submit at more length my views upon the subject.

MANUFACTURES.

Another mode of avoiding high rates of transportation, and thus increasing the wealth of the State, is the building up among ourselves of all kinds of manufactures. The outlay for farm machinery and manufactured articles necessary to our people, brought from abroad, amounts to millions of dollars annually. This large importation is in direct violation of the most obvious principles of domestic economy. We are compelled to transport bread to eastern producers that they may live while working up our raw material, thus needlessly sending our products thousands of miles in order to obtain the manufactured article.

Either cheap fuel or ample water power is to be found in nearly every part of the State; and iron abounds in both Missouri and the region of Lake Superior. Iowa will not see the great era of her prosperity until she becomes self-supporting, not only by raising a bounteous supply of breadstuffs, but by erecting manufactories upon her streams and coal-fields to consume the immense surplus of her rich soil, and thus diversify industry, build up towns, add to the value of our lands, lessen the cost of exchanges, and bring the producer and consumer nearer together.

I submit for your consideration the propriety of a law exempting from taxation for a term of years at least a portion of the investment in certain classes of manufactures.

AGRICULTURE.

The last General Assembly passed a law for encouraging the growth of forest and fruit trees, and hedges. The wisdom of this action requires no justification. I recommend that you follow it up by making provision for obtaining and distributing pure forest tree seed. It could be done through the office of the Secretary of the State Agricultural Society, or some other existing channel. Many of our farmers are located or situated so as to render it difficult for them to obtain trees from nurseries, and are thus deterred from making improvements in this direction. The provision proposed would exactly meet the wants of this class, and be of benefit to all.

During the year 1868, the alarming prevalence of the disease known as the Spanish or Texan fever among the cattle driven to market in States to the eastward of us, induced the cattle commissioners of the State of New York to issue a call for a convention to consider the subject. To this convention, which met at Springfield, Illinois, December 1, 2, and 3, 1868, I appointed Prof. Norton S. Townshend, of the Agricultural College, a commissioner on the part of this State. At this convention, an outline of a bill to be recommended to the several States was agreed upon. The report of the commissioner will be laid before you.

TAXATION AND REVENUE.

The aggregate valuation of the State in 1869 was $294,532,252; an increase since 1867 of $38,015,068, or 14.82 per cent. It is unnecessary that I should remind you that this sum, without doubt, represents less than one-half the actual value of all the property in the State. Some remedy for this practice of undervaluation is desirable. I would suggest, as a step in that direction, that the State and county boards of equalization be empowered to adjust valuations, as well as to equalize them.

I especially commend to your attention the observations and suggestions of the Auditor of State in reference to double assessments, and the present cumbersome mode of keeping tax-books. The recommendation of that officer suggests a plan which seems to afford a remedy for an evil of great magnitude.

Among the prominent topics for consideration, at the present session, will be that of the proper mode of taxing the property of railroads. The law now in operation on this subject was originally enacted, doubtless, with the two fold object of obtaining a simpler basis for taxation, and of encouraging the then struggling railroad enterprises. I submit to the judgment of the General Assembly whether some modification of the law might not now be made, with the view of obtaining from these roads a more nearly equitable proportion of the public burdens, and yet so adjusted as not to cripple any of these enterprises. I respectfully invite your attention to the observations and recommendations of the Treasurer of State on this subject.

SWAMP LANDS.

I recommend that the most stringent provisions be made by law in regard to the disposal of the swamp lands of the several counties. The sales of these lands should be widely advertised beforehand, not only in the particular locality of the lands, but also in some of the leading cities of the State, that full opportunity may be given to all desiring to become purchasers, and that the lands may yield the largest income obtainable. I fear that a different policy in the past has lost to the counties multiplied thousands of dollars, and that the grant, from this cause, has failed, to a great degree, to be of any benefit to either State or county.

SCHOOL-FUND AND SCHOOL-LANDS.

The permanent school-fund, according to the books of the Auditor of State, amounts to $2,932,626.04, having been increased during the last two years, by sales and resales of school-land, $441,212.57. The interest apportioned during the same time, amounted to $406,007.14. The State is required to keep good the principal of this fund, and in case of loss, to make it up from the State treasury. This requirement is an act of justice to the general government, the donor of the lands from the proceeds of the sales of which this fund is derived, and to the youth of the State, for whose education the gift was made. Fully to comply with such requirement, without loss to the State, demands that the fund be placed under the supervision of officers of the State, who are directly responsible to the State, and of whom an account of the condition of the fund may be ascertained whenever demanded. At present there is a large deficiency in the permanent school-fund, which deficiency will not become any smaller except at the expense of the State treasury. I am satisfied that no business man among the members of the General Assembly would allow his own affairs to be conducted in the manner in which this fund has been managed.

I am constrained, therefore, to renew the suggestion I made in a special message at the last session, and also the recommendations of my last four predecessors, that this fund be called into the State treasury. I believe it could with profit be invested in registered bonds of the United States, or those of this State, or in public improvements. I would commend to your consideration the very judicious remarks on this subject in the reports of the financial officers of the State.

During the last fiscal term of two years, 72,990 acres of school-lands were patented. According to an estimate carefully made by the Register of the State Land Office, the average price obtained for these lands was about $2.31 per acre. How much land was sold during the same term, or the price obtained per acre, I am unable to state, the law of 1864, requiring reports of such sales to be made semi-annually to the Register, receiving almost no attention from the proper county officers. Among the lands patented, however, were some situated in old and well settled counties, that were sold for one dollar and a quarter per acre in cash.

During the last two years the Census Board, having in charge the lands obtained from the sureties of James D. Eads, former Superintendent of Public Instruction, has sold thirteen hundred and forty-eight acres of the same, situated in the counties of Clarke, Decatur, Marshall, Story, and Warren, at the average rate of nine dollars and twenty cents per acre.

During the year 1868, the State of Minnesota sold seventy-six thousand acres of school-lands at an average price of a little over six dollars per acre. Both Minnesota and Nebraska have fixed the minimum price of their school-lands at five dollars per acre, the latter, by constitutional provision. Iowa, whose lands, because of their greater accessibility, and their average better quality, ought to be worth much more than those of the States mentioned, fixes her minimum at one dollar and a quarter per acre.

A short time since, hearing that some of the school-lands were being hurried into market, as I deemed with unseemly haste, and at an improper season, I caused the Attorney-General to take the necessary steps to stop the sale. That officer at once applied for and obtained injunctions, and had the satisfaction of saving all the lands in one or two counties, and nearly all of those in another county.

To permit the munificence of the federal government to be longer frittered away, to continue to allow the interests of the living and the unborn children of Iowa to be trifled with, thus to fail to discharge the duty which the Constitution imposes on the State, as custodian of this sacred fund, would, in my judgment, be a just cause of reproach to all of us.

I recommend the immediate withdrawal of all the unsold school-lands from market for the present; and that when they are again offered for sale it be done by the Register of the State Land Office, at public sale, at the minimum price of six dollars per acre, and to be disposed of only to actual settlers.

THE COURTS.

The Circuit Court system established at the last session of the General Assembly is of too recent origin to have afforded sufficient opportunity to decide on its utility and advantage; and it would seem advisable to permit it to remain without material change at least until the next General Assembly, which body will be enabled to pass upon its merits and defects with the benefit of a more extended experience of its operations.

Before the convening of the next General Assembly, the terms of all save one of the District Judges will have expired. I call your attention to the opportunity which will thus be afforded to increase the compensation of these officers. No worse economy can, in my estimation, be practiced than the payment of insufficient salaries to judicial officers. For the performance of the duties incumbent on them, a high order of legal culture, a suitable practical experience at the bar, and a ripe judgment are required. We have no right to expect that persons thus qualified will retain or take seats on the bench at salaries smaller than the incomes of many practicing attorneys far inferior to them in ability and acquirements. I must earnestly recommend that you will revise the whole matter of the compensation of judges of all our courts, and so adjust it as, in your judgment, to enable the State to retain and command the services of the best men in her tribunals of justice. And, in connection with this subject, I cannot forbear to remind you of the meagerness of the compensation of our District

Attorneys. By the law of 1862, which effected a general reduction of salaries, those of District Attorneys were fixed at $600. Since that time nearly all the salaries then reduced have been increased; this office has been one of the exceptions.

THE CRIMINAL CODE.

I invite your attention to an examination of the Criminal Code of the State. I am led to this suggestion by the fact of our current history, that, although less frequently occurring perhaps than in former years, the summary process known as "lynching" is yet too often resorted to for the purpose of rudely effectuating what are supposed to be the ends of the justice. I am of the opinion that riotous proceedings of this character are usually prompted by despair of justice being done through the ordinary operation of the law. That this feeling is ill-founded is very probable. Nevertheless, its existence should arrest the attention of the legislature, and lead to the inquiry whether there is any just cause for complaint at the laxity of our laws for the punishment of crime, and whether the criminal code itself, in a laudable anxiety to shield the innocent, has not been made to afford a convenient panoply to wealthy and crafty guilt.

CODIFICATION OF THE LAWS.

I respectfully call your attention to the condition of our laws. They are spread on our statue-books for several years, reaching as far back as 1851, and some of them even referring to antecedent enactments. Every man is supposed to "know the law," and ignorance of it excuses no man. Should it not, then, be the aim of the legislature so to simplify the statute-book, and condense its bulk, that the law may be the more easily ascertained by the citizen? I would recommend that provision be made for the selection of commissioners to revise and codify the laws of the State; these commissioners to be required to report progress to some authority at intervals, and to complete the work in time for the next General Assembly.

CONSTITUTIONAL CONVENTION.

The constitution, wisely providing that the sense of the people should be occasionally ascertained as to the necessity for revising or amending that instrument, requires that at the general election of the present year the question "Shall there be a convention to revise the constitution, and amend the same?" shall be submitted to the popular vote. It will be incumbent on the General Assembly to provide for canvassing such vote, and ascertaining the result.

CONSTITUTIONAL AMENDMENT.

As provided by law of the last session of the General Assembly, the question was submitted to the people, of amending the Constitution of the State in section one of article two, sections thirty-three, thirty-four, and thirty-five of article three, and section one of article six, by striking the word "white" therefrom. These amendments aimed to relieve the colored race from certain disabilities under which they had hitherto labored in this State. At the election, which occurred on the third day of November, 1868, there were cast for the amendment to Article two (that in relation to the right of suffrage) one hundred and five thousand three hundred and eighty-four votes; against the amendment, eighty-one thousand one hundred and nineteen; majority in favor of the amendment, twenty-four thousand two hundred and sixty-five. The other four amendments were adopted by majorities slightly larger. Thus was finally accomplished an act of justice already too long delayed, the denial of which, on a former occasion, had cast a stigma on the State which may truthfully boast that the foot of a slave has never pressed her soil.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

It is proposed now to incorporate the spirit and substance of this amendment in the federal constitution, and thus make it the supreme law of the whole land. The Senate and House of Representatives of the United States have accordingly adopted a joint resolution proposing an amendment to that Constitution, in effect, conferring suffrage on every male citizen. A copy of this resolution I have the honor to lay before you. I need not urge upon your honorable body its speedy ratification. This amendment yet requires the approval of some six States, in order to its adoption. That this number will be shortly obtained there is little question. The contest of generations, which culminated in the recent civil war, begun in the interest of slavery, will then have reached a termination glorious beyond the most sanguine hope; in the final eradication of the last vestige of human bondage from the polity of the republic.

UNITED STATES SENATOR.

On the 27th day of August last, I received the resignation of Hon. James W. Grimes, as Senator of the United

States from the State of Iowa, to take effect on the first Monday in December; on which day accordingly closed the long public services of an eminent statesman, whose ability and influence gave him not only a State but a national reputation. It will, therefore, become your duty to elect a Senator to fill the place thus made vacant.

CONCLUSION.

In conclusion, gentlemen, permit me to congratulate you upon the auspicious circumstances under which you are now assembled. With the State virtually out of debt, its population rapidly increasing, its wealth of resources yielding abundant returns to all kinds of industry, its laws in general judicious and faithfully administered, its schools and colleges furnishing means of education to all, its public institutions well established and conferring blessings on the objects of their care, its empire of territory traversed by rapidly increasing lines of railroad, its people peaceful and progressive, yourselves enjoying the generous and abounding confidence of that people, you enter upon your work of legislation. That this work may be abundantly blessed of Him who has heretofore been so bounteous in goodness toward our State and nation, I invoke the prayers of the good people of this commonwealth.

It will be my pleasure, as it is my duty, to co-operate with you in all measures to promote the public welfare, to increase the happiness of the people, and to enable them to continue and enlarge those works of humanity, charity, and benevolence which have thus far distinguished our State.

I would do injustice to my own feelings were I to close this message without expressing my gratitude to our State officers, and all connected with the State government, for the ability, integrity, and zeal they have displayed in behalf of the public interests, and for the kindness, courtesy, and generous confidence they have given me in the discharge of my official duties.

SAMUEL MERRILL.

SECOND INAUGURAL

JANUARY 13, 1870

From the Iowa Legislative Documents, for 1870, Vol. I

Gentlemen of the Senate and House of Representatives:

In the providence of God, and in accordance with the decision of the people of the State of Iowa, the solemn responsibility of administering the executive department of the State has been for a second time committed to my care. Permit me to return to you, and through you to the people, my grateful thanks for this renewed expression of the confidence of a generous people. I can only assure you, and them, that I shall strive to merit a continuance of that confidence by honest intention and earnest effort.

In again assuming this grave and solemn trust, custom devolves on me the duty of presenting such thoughts as seem to me pertinent to the occasion. The importance of the weighty interests intrusted to our keeping cannot be overestimated. Our beloved State is our home, and will be the home of our children, and their children for generations to come. The faithful discharge of our public duties must inevitably result in the present and future prosperity of the State. That devotion to the public welfare, which ignores self-interest, merits and is sure to receive at the hands of the people the highest and most enduring honors, while deserved obloquy as certainly follows the unfaithful public servant. It is no time for us to look either to personal ambition or to merely local interests; but we are to seek for a broad and liberal policy, which shall embrace the interests of the whole commonwealth and the welfare of all the people, both for the present and for all future time.

The progress of our State in the past, and the grandeur of the work before us, can scarcely be realized. Within the memory of many of us, this vast domain, reaching from river to river, lay in its pristine beauty, untrodden save by the foot of the Indian and the trapper, who left scarce a trace of their footsteps, or a mark of their hands, upon it. Here it lay from the creation of the world till our time, its varied and mighty resources slumbering through countless ages, waiting for the stroke of the Saxon's arms to waken them into a bounteous life, prolific with blessings. It was reserved for us to see it, under the magic touch of the laborer's hand, yield its garnered wealth with a profusion which has beckoned capital and skill. We have seen commerce follow the plow, and the steamboat and the locomotive on the track of commerce; we have seen the thrifty homes of a million people skirting our woodlands and dotting our prairies; we have seen towns and cities spring up in rapid succession; we have seen the school-house and sanctuary in all our new communities; we have seen colleges and seminaries of learning reach a degree of prosperity and breadth of influence, in a score of years, which more ancient and renowned institutions of learning had not attained till centuries had passed over them.

Within our memory this State has gathered a population equal to that of the State of New York after it had been settled two hundred years. Starting more than two hundred years later, Iowa has nearly overtaken Massachusetts. And yet our progress and development have but just commenced. The possibilities of our future are bewildering to contemplate. Only one acre in six has been put under cultivation. Our water-power for the most part still lies idle. Our coal-beds, among the broadest and deepest in the world, still hold undisturbed their exhaustless wealth; and these magnificent resources are so situated that their rapid development is inevitable. Here they lie with a great river on either side, and with natural highways to the great lakes, which need only to be improved, to afford our productions easy and cheap transportation.

To the east of us lie States which become every year less and less grain-growing, and more and more grain-consuming. To the south of us lies a cotton-growing country of vast extent, which will find its natural supply of breadstuffs in this direction. To the west of us lie the great mineral districts of the Rocky mountains, with a prospective chain of populous States, from British America to Mexico, which may look this way for their supplies, opening a vast market for Western produce and manufactures. The first great arteries of this immense trade have already been opened across our State. Thus with our boundless stores of undeveloped wealth we hold a central position, with markets all around us.

Capital is quick to discover our advantages. Our enterprises seldom go begging in the money market; our railways are rapidly pushing westward, and already they begin to point to the south and southwest, to the north and northwest. Instinctively they reach for the markets of the East, for the lumber of the pineries, for the commerce of the South, and for the trade of the Southwest and Northwest. Our railroad system is destined to open up our interior, and our western borders, with a rapidity of growth seldom equaled and never surpassed.

The tread of coming population, which we now hear, will not cease for generations. It is astounding to think for a moment of the capacity of our State for population! With the density of Massachusetts she would have six and a half millions; with the density of France, eight and a half millions; with that of England sixteen and a half millions; and with that of Belgium nearly nineteen millions; and who will say that the rich soil of Iowa is not capable of sustaining even a greater density of population than either of these?

Gentlemen: We have much to do with the future of this State, as the wisdom and fidelity of public servants who have gone before us have had much to do with its past growth and present condition. Legislation and administration of government may exert a genial and stimulating influence upon the public welfare, or they may chill its life and cramp its growth.

We are set in high places that we may see; in places of power that we may help. It is expected of us that we shall study and comprehend the wants of the State, and meet them with judicious measures. And surely no representatives of the people ever had more to arouse them and gird them for earnest, conscientious, and manly work than we. We stand in the midst of mighty and rapid events. Grand opportunities are open all around us. Momentous work crowds upon us. The onward rush of events will not wait Progress is restless, and duty imperative.

The honor and glory of our State will largely depend upon the magnitude and grandeur of her public institutions. Her educational interests must be fostered and promoted, and her public school system placed in the van of progress. Our asylums for the unfortunate will need and should receive at our hands a liberal support. These institutions are the pride and glory of our commonwealth, speaking volumes for the spirit of humanity and liberality which has thus far controlled, and the Christian enlightenment which has directed the legislation of our State. Let us continue and expand the work we find begun; and let us not falter nor fear, but move firmly forward in the grand field spread out before us. Let us lay deeply and surely the foundations of a great and noble commonwealth.

From every section of our country come the glad tidings of peace and returning prosperity. Under the judicious management of our national administration the public debt is constantly diminishing. With an unwavering faithfulness to our commercial obligations, the mutterings of repudiation, save as the lingering echoes of conquered treason, are unheard. With the immigration coming upon us from the old world, bringing capital and skill, and peopling our broad and fertile lands, it will require but a few years of prosperity to wipe out the debt contracted by the war for the salvation of the country. That war, through its baptism of blood, made the nation purer and holier. Slavery, apparently too deeply imbedded in the foundation of the republic to be moved hence, except at the expense of the nation's destruction, perished beneath that nation's wrath. Rebellion had destroyed the government of certain States, and their reconstruction on principles of freedom and justice followed. Then came the solemn reaffirmation by the people of the ideas of union and liberty, which had given nerve and vigor to the war, by the election to the presidency of the great captain of the conflict. And now the nation proposes to give the emancipated slave the ballot, and to take its place on the broad platform of universal freedom and equal rights to all of God's people, wherever found. Let us repeat, in tones and language to be heard on every shore and in every land, our sympathy for nations, be they ever so humble, and for people, however obscure, struggling for liberty.

Nor should we forget those who patriotically offered themselves for the nation's life, nor those whom the noble dead left as a sacred charge to the State as well as to the nation.

Keeping constantly in mind the high character of the interests committed to our care, and imploring the continued blessing of Almighty God upon all our efforts, may the results of our labors redound to his glory and the benefit of the State.

SAMUEL MERRILL.

SECOND BIENNIAL MESSAGE

JANUARY 10, 1872

From the Iowa Legislative Documents for 1872, Vol. I

Gentlemen of the Senate and House of Representatives:

The period fixed by the constitution for the biennial meeting of the General Assembly having arrived, I congratulate you upon the favorable auspices under which you meet. Our State has been greatly blessed and prospered since last you assembled. We have had favorable seasons and bountiful crops, and our commonwealth has been strengthened by a continual influx of a thrifty and enterprising class of people. While other parts of our country have suffered from the most disastrous conflagrations in the world's history; and while other lands have been terribly devastated by pestilence and famine, by wind and flood, we have been providentially spared these afflictions.

FINANCES.

The report of the Auditor of State, which is before you, and that of the Treasurer of State, which is submitted herewith, for the fiscal term ending November 4th, 1871, show a continued increase in the resources of the State. Upon comparison with the financial reports presented at the last General Assembly, it will be seen that there is a large increase in the amount yielded by the ordinary sources of revenue. Direct taxation, for instance, produced $184,-

244.11 more than in the previous term, although the levy in the later term was 20 per cent. less than in the earlier. The revenue from railroads shows an increase of $19,364.71. notwithstanding a reduction for the last year, in the proportionate amount of revenue from this source coming into the State treasury, of sixty per cent.; and the taxes collected from insurance companies indicate a gain of $28,627.87, The heavy payments by the general government during the two years ended November 1st, 1869, amounting to much the greater part of our remaining claim on account of expenses incurred by the State because of the war, reduced very materially the revenue to be expected from that source; hence the receipts therefrom during the last two years were nearly $300,000 less than during 1868 and 1869. The gross receipts of the revenue during the term were $1,769,522.91, which, with the balance in the treasury November 1st, 1869, made the amount of available means during the term, $2,055,683.07. The expenditures were $1,973,942.23. Balance of general revenue in the treasury November 6th, 1871, $81,840.84. The warrants issued during the period amounted to $1,972,930.78, of which $666,615.74 were issued for the use and support of the various public institutions of the State; $626,031.29 were drawn for the erection, enlargement, and improvement of public buildings; and $58,264.24 went to objects of a special or extrordinary character, for which the legislature has at various times made appropriations—such as the Geological Survey and report, the encouragement of immigration, the reunion of Iowa soldiers, republication of Supreme Court reports, etc. The balance of the warrants issued, amounting to $622,019.51, very nearly represents the regular and ordinary expenses of the State government. These, it will be seen, constitute only a little more than one-third of the entire expenditures of the State.

I invite your attention to the recommendations of the financial officers of the State, whose long experience, whether in the legislative halls or in public office, gives additional value to their suggestions.

Among the valuable tables presented in the report of the Auditor of State is one setting forth the objects and amounts of taxation general and local, throughout the State, for the year 1870. From this we learn that the grand aggregate of the levies is $9,371,685.76. The total valuation upon which this taxation was based was in the neighborhood of $300,000,000, making the levy some 3⅛ per cent. This is a heavy—not to say oppressive—rate of taxation. To be sure, it is based on a great undervaluation of property; upon actual value it would probably be about one and a quarter per cent.—certainly not more than one and a half. But this rate, it will be remembered, is an average one throughout the State, and implies, of course, a higher rate in some localities. In fact, a rate twice as high does actually prevail in some parts of the State. It is true that much the larger part of this amount of taxation is levied by the people themselves, or by their immediate representatives in city, township, and school boards. Nevertheless, I suggest to the legislature the propriety of adopting a maximum limit of taxation to which any property may be subjected in one year. At present, the following are the maximum rates that may be levied by the proper authorities so far as the same are designated by law:

State	2 mills
County, for ordinary revenue	4 mills
County, for schools	2½ mills
County, for bridges	3 mills
Township, for roads	5 mills
Total	16½ mills

In addition, school-boards are authorized to levy a tax for contingent fund, and one for teachers' fund, sufficient, with the annual apportionment, to sustain school twenty-four weeks in each year, and longer if desired by sub-districts.

The people may vote additional taxes as follows:

County, for public buildings, etc	10 mills
County, for high schools	5 mills
Township, for railroads	50 mills
School district, for erection of school-house	10 mills
Sub-district, additional for erection of school-house	5 mills
Total	80 mills

The foregoing statements do not include taxes in cities and towns, where as high as twelve and a half mills may be raised for revenue, sinking-fund, and library, besides the five per cent. railroad tax which may be voted; nor yet any special levies to meet interest and principal of bonded debt of county, town, or school-district. It will be seen, however, that as high as ninety-six and a half mills of taxes may be levied upon property within a given sub-district. In cities and towns, the levy may, of course, be much higher, partially because of municipal expenses, but mainly because of the fact that cities and towns may also tax themselves in aid of railroads, so that there may be two five per cent. levies—those of the township and municipal corporation—upon the same property at the same time. This would make a possible aggregate of fifteen dollars and ninety cents upon a hundred dollars, aside from amount raised for teachers, and contingent funds, for the payment of judgments, and on account of bonded indebtedness. I am personally cognizant of an independent district where, on account of two of these three items, a tax of three and a half per cent. has been levied for the year 1871.

To my mind, five per cent. is as high a rate of taxation as should be levied upon any property in any one year, exclusive of amounts necessary on account of bonded indebtedness.

As a judicious step toward such limitation, I recommend the repeal of the acts of 1868 and 1870, allowing townships, etc., to tax themselves to aid in building railroads. Under these acts, or more properly that of 1870, the sum of $1,077,703.38 was levied in that year. It is fair to estimate that an equal amount was voted in 1871; in all over $2,100,000. It is believed that most of this outlay has been well invested, and will bring ample return in increased commercial facilities, influx of population, and development of resources, to the communities interested. Nevertheless, the policy is at best a questionable one, to be justified only because of the great benefit expected from it, to be retained only for a time, and by no means to become part of the permanent law of the State.

At the last session of the General Assembly, a new act upon this subject was passed with greater restrictions, the act of 1868 having been declared unconstitutional by the Supreme Court. The constitutionality of the new act was also called in question; but it was sustained by the Supreme Court at its December term, 1870, in the case of Stewart *vs.* Supervisors of Polk county. At the same term, in the case of the McGregor & Sioux City Railroad Co. *vs.* Birdsall, the Court virtually overruled the former decision as to the act of 1868. Thus both statutes may now be considered operative: the later act not repealing the earlier, nor in conflict with it; although doubtless it was the intention of the legislature that the new statute should supercede the other.

The revenue received from the railroads during the last two years amounted to $292,377.14, of which $90,171.88 was retained in the State treasury, the balance being paid to the counties, respectively, through which the roads run. It is manifest that the counties now receiving the revenue from this source, also enjoy, mainly, the benefits and advantages consequent upon the building of the roads. They are afforded by these arteries the speediest access to the markets of the world, and consequently the best prices for their products. On the contrary, those parts of the country which do not enjoy any of this revenue are deprived of all the facilities afforded by these great works of improvement, and are compelled to transport their products long distances to the railroad lines, and really to pay tribute to the more fortunate localities. I would suggest, as a measure of justice to all parts of the State, that the entire proceeds of this tax be paid into the State treasury, believing such the most equitable disposition thereof that can be made. The increased revenue thus derived would be of service in the construction of the public buildings, and the improvements at the various institutions, that will be needed during the coming two years.

INDEBTEDNESS.

The debt of the State, exclusive of bonds issued to the school-fund, remains as stated in my former message, viz.: $300,000, in war and defense bonds. This debt will become due in 1881. I recommend that authority be given, under proper restrictions, for the purchase of the bonds and the early extinguishment of the debt. The disposition I have suggested of the railroad taxes would materially assist in bringing about this consummation.

PUBLIC LANDS.

The report of the Register of the State Land Office is herewith submitted. It contains additional lists of lands granted by the General Government for various purposes. From this report, in connection with that from the same office two years ago, we find that the grants to the State for all purposes amount to 7,282,835.35 acres, of which 4,300,152.11 acres were for works of internal improvement under the acts of Congress of 1846, 1856, and 1864. In addition to this munificent gift, the Register reports that the railroads have received direct, from the General Government, under the act of June 2, 1864, the amount of 597,996.24 acres, making a grand aggregate for railroads and the Des Moines river improvement, in the State of Iowa, of 4,898,148.35 acres, or nearly fourteen per cent of the entire area of the State.

The Dubuque, Bellevue & Mississippi Railway Company having filed its acceptance of the provisions of Chapter 73 of the acts of the last General Assembly, I caused to be selected the amount of lands designated by such chapter for the construction of the Tete des Morts branch of the Dubuque and Sioux City Railroad, and approved such list September 22d, 1870. This road was completed during the past month, and I have caused patents to be issued for the lands referred.

On the twenty-first of October, 1870, upon proper evidence, I certified to the Department of the Interior, the completion by the C. R. & M. R. R. Co. of a piece of road from Pearl street, Lyons City, to the Chicago, Iowa and Nebraska railroad, within the limits of the City of Clinton.

On the 12th day of November, 1870, I certified to the same department, the completion of two sections of the Iowa Falls and Sioux City Railroad; and on the 9th of March, 1871, I further certified to the completion of that road entire from Iowa Falls to Sioux City. This certificate being satisfactory to the Department of the Interior, I caused patents to be issued to said company for its *pro rata* share of the Dubuque and Pacific Grant, save the lands to which settlers had made proof of claims.

The proper officers having filed with me the necessary evidence, I, upon the 5th day of December, 1870, certified to the completion of the McGregor & Missouri River Railway to Algona.

The Des Moines Valley Railroad Company, having completed its road into Fort Dodge, on the east side of the Des Moines River, in the month of December, 1870, in accordance with Chapter 57, Acts of the Twelfth General Assembly, I caused patents to be issued to that company for the lands reserved by said act for the construction of the road above Des Moines, and the payment to it of the moneys received for lands sold to S. H. Taft under Chapter 108 of the Acts of 1864. I also caused patents to be issued to Mr. Taft.

The whole amount of lands patented during the biennial term amounted to 404,000 acres.

COMMON SCHOOLS.

The very able report of the late Superintendent of Public Instruction, will be before you. I earnestly commend to your attention the thoughtful and elaborate articles upon the various subjects coming within the purview of the duties of that officer, as well as the suggestive statistical information, presented in the report. The number of districts is 1594—an increase of 132 in the two years since the last report. There are 7,841 schools against 7,009 two years ago. The number of youth within the school ages is 461,258, of whom 342,440, or 74¼ per cent., were enrolled during the past year; and the average attendance was 211,726, or nearly 46 per cent. Two years ago the number enrolled amounted to less than 71 per cent.; and the average attendance equaled only 42.65 per cent. of the enumeration. The constant and steady increase of the number of those enjoying school-privileges, as compared with the whole number entitled to them, I regard as one of the strongest evidences that our beneficent system of common schools is continually enlarging the sphere of its usefulness, and gradually bringing within the scope of its inestimable privileges, all the youth of the State. The value of school-houses and apparatus is $6,916,490.16. The increase in the amount of capital thus invested during the terms has been $1,541,947.66, or about twenty-nine per cent.

I cordially commend to your consideration the forcible remarks of the Superintendent upon the sub-district system, and unite with him in urging its abolition. I am fully persuaded that the school-districts should be substantially co-extensive with the civil townships, incorporated towns, and cities; in other words, that there should not be any distinct territorial organization other those well-defined political divisions with which we, in common with the people of most of the States, are so familiar. The system of sub-districts, as it prevails in Iowa, is peculiar to this State, and was adopted as a compromise between the small district plan formerly in vogue, and the more modern one of township organization now so generally adopted throughout the North. In my opinion, it has lasted long enough to establish the superiority of the system whose adoption it impedes, and to furnish another illustration of the general inutility of compromises in establishing anything permanent.

I cannot omit calling the attention of the legislature to the timely suggestions of the Superintendent of Public Instruction, looking to the establishment of a system of graded normal schools at convenient points throughout the State. All will acknowledge the necessity of professional training on the part of the teacher for the duties and responsibilities of the school-room, and the actual advantage, in the way of true economy, to our public schools, of supplying them with teachers formerly prepared for their work by proper normal drill. There can no longer be any doubt that these desirable objects can be best effected through the instrumentality of the normal school. For years this branch of our public school system has been sadly overlooked, more, as it seems to me, because there was not at hand a scheme of normal instruction that would commend itself as in the main adapted to the necessities of the case, and that would not at the same time make extravagant demands on the munificence of the State. In both these respects, I think the plan submitted will meet with the approval of the legislature.

The claims of the schools in our rural districts, and the lower departments of our graded system, to a larger share of the fostering supervision of the State, as furnishing the mass of our citizens with all the education they ever acquire, and with sufficient, if well imparted and well received, for the practical necessities of life, are made prominent in this scheme, which proposes to bring the primary normal school within reach of the teachers in these grades. It will appear from the exhaustive paper on that subject in the Superintendent's report, that the plan of primary normal schools, tributary to some central higher institution of the kind may be so arranged in details as to involve no great expense to the State; and I think I may with confidence say, that such facilities for the training of our teachers will refund to our school system, and to the general weal of our commonwealth, such results as will be more than an equivalent for the money thus expended.

THE STATE UNIVERSITY.

My official relation to the State University as President of the Board of Trustees, and afterwards of the Board of Regents, has afforded me ample opportunity to become acquainted with its condition and claims, and I feel justified in bearing my unqualified testimony to its very great value, as standing at the head of our noble system of public education. My personal observation, for the last four years, fully confirms the opinion of numerous competent judges, that the courses of study; the learning, experience, fidelity, and zeal of the instructors; the proficiency in scholarship and the orderly conduct of the students; the controlling idea and general plan of the University, its adaptation to the educational wants of the people; and its progressive character, entitle it to a high rank among the institutions of its class in the northwestern part of our country. The reports of the Board of Regents, and the President of the University, contain a full and detailed account of its affairs, and will afford information that will enable you to judge for yourselves concerning its whole organization, the facilities it offers for the highest mental culture, and the extent to which those facilities are availed of, by the youth of our own and other States. I earnestly recommend that you give these reports a thorough examination, and am confident that you will be convinced by them of the wisdom of securing the continued prosperity and enlargement of the University, by a liberal appropriation for its support during the next two years. I would also recommend the passage of a bill, providing, from the revenue of the State, a permanent income for this great and important institution of learning, so that the Regents and Faculty may be able to carry out every reasonable plan for its improvement in all its departments and interests, free from the embarrassments arising from the uncertainty of biennial appropriations.

Soon after the last meeting of the General Assembly, Rev. Dr. Black closed his short but successful career as President of the University. The Board of Regents was fortunate in securing for his successor a citizen of our own State, of great worth and eminent ability, who entered upon his duties at the close of the last year of the University.

PERMANENT SCHOOL FUND.

The indebtedness of the general revenue to the school fund has increased during the fiscal term $8,558.14, being the amount of loss audited in said fund in the several counties of the State. The whole amount now held by the general revenue is $243,056.15, earning for the fund eight per cent. per annum. The first named sum, the constitution requires, must remain a permanent charge against the State; and I believe such should be the case with this entire indebtedness to the school fund, deeming it to be the best investment of the same that can be made. The gross amount of the fund is $3,161,483.01, an increase of $228,856.97 since the report of 1869. The income derived from this fund during the past two years, and apportioned among the counties, amounts to $464,467.38, or about 15¾ per cent. of the fund.

During the past two years, with the advice and consent of the Census Board, under chapter 32, acts Ninth General Assembly, I disposed of 218.13 acres of land in Decatur and Polk counties, for $3,141.30, averaging $14.40 per acre; and three lots in the city of Keokuk, for the sum of $1,100. These lands and lots were a part of the securities for the Eads' loans. The constitution of the State provides that "all losses to the Permanent School or University Fund "of this State which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or "officers controlling and managing the same shall be audited "by the proper authorities of the State." Under this provision, as before stated, the sum of $8,558.14 has been funded on account of losses since the adoption of the present constitution. A question has arisen whether this provision is intended to include defalcations happening under the former constitution of the State. The language may be so construed, yet it is not without doubt. If in the opinion of the General Assembly it may be constitutionally done, I would recommend that all losses to the fund since the admission of the State, be assumed by the State, and interest paid thereon. And here I would suggest that the rate of interest paid by the State upon this class of debt be increased to ten per cent. The law now provides that money loaned to private parties from this fund, since July 3, 1870, shall draw that rate, and has always required it upon notes given for purchase of school lands.

THE LIBRARY.

The report of this officer shows an increase in the number of volumes in the library of about 4,000, comprising a very full collection of English, Scotch, and other law reports, as well as valuable treatises and text-books. I recommend that the fees received for notarial commissions and for commissioners, be appropriated for the support, improvement, and enlargement of the library. I would also recommend that the law in reference to the library be revised, and a reasonable compensation be allowed the librarian.

On the 8th day of September last, the librarian, John Carpenter Merrill, departed this life, after a short illness. He was a young man of much promise, of great energy, and of high integrity. Combined with these traits, his knowledge of books and love of order made him eminently useful in the office intrusted to him. He rearranged and thoroughly systematized the library, making it a model of order and neatness, and had established a high reputation as one of the most efficient public librarians in the country. In his early death, the State lost an excellent officer, and the community a worthy young citizen.

MILITARY MATTERS.

The present militia law of this State, so far as a well-organized militia is concerned, is almost a dead letter. We should have a small militia force, well organized, thoroughly equipped, and with efficient officers and well drilled men, ready for any emergency in State or nation. Fifty companies, perhaps, with fifty men each, in as many localities, the members required to drill a limited number of days in each year, and paid for the time spent therein, would, in my estimation, give us a force at once ample and efficient. The details of any plan would be subjects for your deliberation and action. The suggestions of the Adjutant-General, upon this subject, in his report herewith transmitted, as well as in former reports, are worthy of consideration. Exemption from jury duty and poll-tax should be extended to active members of military companies, as well as to those of fire companies.

The suggestions of the Adjutant-General in relation to the publication of a general index of all Iowa soldiers, and the cemetery records, are submitted to your consideration and determination.

Application has been made by the War Department for the consent of the State of Iowa to the purchase, by the United States, of the National Soldiers' Cemetery, at Keokuk, described "as fractional block No. 107, and lots 1, "2, 3, and 4, of block No. 108, in Mason's Lower Addi- "tion" to that city. I recommend that the General Assembly grant the consent asked.

In the laying out of these grounds, space has been left in the center for the erection of a monument to the gallant dead who repose there. As over eight hundred Iowa soldiers, belonging to all parts of the State, lie buried in the cemetery, it has been thought well that the State should erect the proposed monument. I submit the matter for such action as you may deem advisable.

CLAIMS AGAINST THE GENERAL GOVERNMENT.

On the 5th day of February, 1870, I received, at the hands of Colonel John N. Dewey, Commissioner to adjust war and school-fund claims against the government, and paid over to the Treasurer of State, the sum of $85,079.64, on account of claims for expenses incurred in raising troops to aid the federal government in suppressing rebellion, filed

January 7, 1869. The aggregate amount received from the federal government because of these claims, (including those on account of the "Ink-pa-du-tah raid," at Spirit Lake, in 1857), is $952,741.27.

On the 11th day of March, 1870, I received, through the same channel, the sum of $20,886.51, and on the 3d day of August, 1871, the further sum of $15,250.16, on account of the five per cent. due the State of the receipts from sales of public lands. For these sums, I hold the Treasurer's receipts.

The report of the Commissioner, submitted herewith, shows that the remaining claim on account of the "Ink-pa-du-tah raid," amounting to $871.84, has been recovered; and that of the claim on account of payments to officers and men of the First Iowa Cavalry, $20,266.78, has been allowed, and with the former sum placed to the credit of the State. Two years ago the Commissioner thought it not impossible to collect within ten per cent. of the gross amount claimed. This point has now almost been reached, there remaining not yet allowed only $116,874.89, or rather less than eleven per cent. of the aggregate claim; and the Commissioner hopes to obtain between $40,000 and $50,000 more. Whether this amount be obtained or not, the State has abundant reason to be satisfied with the success of this commission.

PUBLIC INSTITUTIONS.

The reports of the Trustees and officers of the various public institutions and Boards of the State will be laid before you as soon as printed. These will inform you as to the workings and needs of the respective public charities and enterprises. In connection herewith, I would state that I have asked the presiding officers of several of the institutions to prepare addresses to be delivered before the members of the General Assembly during the session, upon subjects connected with their respective charges, if it shall please the two houses of the legislature to second my request by extending the necessary invitation. In my opinion, no better opportunity can be afforded the members of the legislature (except by personal inspection) for obtaining a knowledge of the workings of our various institutions.

BLIND.

The number of pupils at the Institution for the Education of the Blind, during the term, was 125—an increase of 43 over number attending the previous term. Of this number, 65 were admitted during the two years—about twice as many as during any previous term. Since the institution was founded, 248 persons have enjoyed its advantages, and been more or less fitted to care for themselves in life.

The crowded condition of the institution is forcibly depicted in the report of the Trustees. The necessity for the enlargement of the building by the erection of the north wing, would seem to be urgent. The sum of $100,000 is asked by the Board for the purpose of constructing, heating, and furnishing this addition to the building. The superintendent also suggests an allowance for raised maps, for apparatus for use in the study of physiology, and for a printing press. I particularly commend to your attention the remarks of that officer upon the last named topic.

The expenses of the institution during the term were

$49,007.47. The expenditures for improvements ordered by the General Assembly were $29,633.65; and for the Industrial Home $649.36. The support of this institution is provided for by the payment from the State treasury of the sum of forty dollars per quarter for each pupil, and for current expenses of the further sum of $8,000 per annum. An Industrial Home was provided for by the last General Assembly; but owing to the large number pressing for admission into the school, only six could be received into the Home during the term, and still less, it is thought, can be accommodated during the next two years.

I would suggest that the General Assembly fix definitely the name of this institution. It is called in the act organizing it the "Asylum of the Blind," but in most subsequent acts it is incidentally denominated the "Institution for the Education of the Blind." The latter, or a shorter title with the same significance, would be preferable. "Asylum" is evidently not a proper designation.

INSTITUTION OF THE DEAF AND DUMB.

In the month of December, 1870, the school of the Institution of the Deaf and Dumb opened in the new building at Council Bluffs, with ninety-one pupils in attendance. The whole number in the school during the two years was 119—an increase of seven over the previous term.

The State contributes to the general support and current expenses of this Institution the same amount *pro rata* and annually as to that of the blind. This appropriation drew from the State treasury during the past two years $39,620. The expenses for the same time were $42,914.13. The report of the Trustees and Superintendent represent a condition of the building not favorable to a high degree of comfort or economy. I recommend to your attention the remarks of the Trustees thereon. This badly finished structure affords an unfavorable commentary upon the contract system in erecting public buildings: a commentary which is borne out by the history of many similar undertakings in our own and other States. Appropriations are asked by the Board, of $10,000 for out-houses, gas-house, furniture, &c., and of $5,000 to be refunded, being amount expended for furniture, out of funds of the school; likewise the sum of $100,000 for finishing the other wing of the building, and for grading the grounds. The Board also deem the appropriation for current expenses too small, and ask that the same be enlarged to twelve thousand dollars per annum.

The expense attending the construction of this building amounted to $144.856.07. To this sum must be added the amount due the contractor, viz.: $14,940.04, less deductions for unfinished and imperfect work. To meet whatever may be found thus due the contractor there is an unexpended appropriation of $15,143.93.

HOSPITALS FOR THE INSANE.

The grounds of the Hospital for the Insane at Mt. Pleasant have been enlarged by the purchase of some forty-eight acres of land adjoining. The improvements provided for by the last General Assembly, have been satisfactorily made. The land and improvements cost $40,275.62. The current expenses for the term amounted to $217,679.32. The number admitted to the Hospital during the term was

520, and the average present, 441.45. At the close of the term there were 510 under treatment; and this number has since been increased to 518. When it is remembered that the building is intended to accommodate less than 300 patients, the overcrowded condition of the house becomes at once apparent. This state of affairs will continue until the building at Independence is ready for occupancy. I commend to your attention the able report of the Superintendent, and would respectfully ask for it a careful examination. His suggestion of a separate institution for the epileptic and the hopelessly insane, I deem especially worthy of your consideration. The Board of Trustees asks the sum of $27,900 for various improvements and for contingencies.

The building at Independence progressed rapidly until the appropriation was exhausted. Three sections of the north wing, the engine house, and the rear center building are now covered and inclosed, and the foundation and basement walls of the remaining section are up. The foundation of the chimney is laid, and the air-ducts are nearly finished. The outlay since the previous report has amounted to $231,551.44. From personal inspection, I am satisfied that the work on this building has been well done.

To prepare this Hospital for the reception of patients, it will be necessary not only to complete the parts already commenced but to construct the main center building. To do this, it is estimated, will require $200,000. In view of the urgent demand for the early completion of this building sufficiently for the reception of patients, I would recommend the immediate passage of a joint resolution, authorizing the Commissioners to employ such labor as may be profitably used during the present winter months. This action would continue the work until an appropriation could be made and become available.

I have recently received the resignation of Hon Geo. W. Bemis, one of the Commissioners appointed by act of the last General Assembly. It being so near the time of your session, I have made no appointment of a successor.

AGRICULTURAL COLLEGE.

The State Agricultural College, during the past two years, has made good progress toward perfecting its facilities for educational work. In that time the farm has been greatly improved by fencing and bringing into cultivation several hundred acres more of land; by additional buildings, wells, and implements; and by increasing the herd of blooded stock; thus greatly enhancing its value as an experimental and model farm. An orchard and an experimental garden have been established; a workshop erected, and furnished with tools and machinery; a chemical laboratory constructed, and fitted up with apparatus; and a beginning made in collecting physical apparatus. The library and museum have received considerable accessions, though yet quite inadequate to meet all demands. The grounds around the College building are greatly improved by the construction of drives and the planting of trees and shrubs. In all these improvements the progress has been quite as rapid as the means at hand would allow.

The income of the College, derived entirely from the Congressional endowment fund, amounts to between $30,000 and $35,000 per year. This fund cannot legally be applied for any other purpose than the "support and maintenance" of the College, and its use for the construction or repair of buildings is strictly prohibited.

The first senior class, numbering thirty, organized last fall, will graduate the present year. During the two years past, the attendance has been above two hundred students a year, and many had to be refused admittance on account of want of room. By the extension of the present building there will be accommodations, next spring, for about fifty more students, which, with the facilities for boarding outside the building, will enable the institution to receive an aggregate of two hundred and fifty. No doubt the institution would be filled if it had conveniences for double that number. In order that the College may go on with the work begun, some further State aid seems desirable. Additional buildings for students' rooms are required, to accommodate the many who are asking for admission. There is also a necessity for a physical laboratory, and for extending and enlarging the present chemical laboratory; for additional professors' houses; for further facilities for orchard; garden, and farm improvements; for larger gas-works; and for some provision for procuring an inexhaustible supply of pure water for the buildings. These enlargements and adtions, the Board estimates, will call for at least $100,000.

SOLDIERS' ORPHANS' HOMES.

Eleven hundred and twenty-eight children have enjoyed the benefit of these institutions, within the last two years; and 1930 since their foundation. The number present, November 1st, was 718, from 63 counties. The health of the

Homes has been very good, there having been only two deaths in an average attendance of 763. The grounds at the several Homes are becoming better improved every year. New buildings have been erected, among them one for chapel and school-rooms at Cedar Falls. The State contributes ten dollars per month for each orphan actually supported, which amounted, during the term, to $183,490. The support of the orphans, and expenses of repairs, improvements, &c., for which special appropriations were made, for the same period, amounted to $211,324.67. The Board asks appropriations for additional buildings at Glenwood, and for improvements, repairs, and furniture at all the Homes.

PENITENTIARY OF THE STATE.

The general support of the Penitentiary during the past two years, cost $64,139.77. Of this amount $2,127.59 was drawn directly or indirectly from the State treasury. In the previous term about one-fifth of the entire amount needed for general support, was drawn from the treasury, and in that ending October 31, 1867, about two-fifths. As at present managed, therefore, it will be seen that the prison gradually approaches a self-sustaining basis. The sum of $8.33 per month is allowed for each prisoner out of the State treasury, if needed. (Less than fifty cents per month was actually drawn during the last term.) The officers' and guards' salaries are fixed by law, and paid from the State treasury. The entire amount contributed by the State for these several items, and on account of special appropriations, during the last two years, was $46,679.62.

The number of convicts incarcerated in the Penitentiary, Nov. 1, 1871, was 273; an increase of 61 since Nov. 1, 1869. A similar increase within the next two years will exhaust the present enlarged capacity of the prison. The question, then, urges itself upon your consideration, whether the present building shall be enlarged, or a site obtained for another prison, and an edifice commenced thereon forthwith. The State owns, at Fort Madison, a piece of ground to the westward of the prison-wall, to the extent of 235 feet. The Warden suggests that this piece, with 150 feet more, to be obtained by purchase, be included within the prison-walls. This extension, that officer estimates, will cost $23,000. To enlarge the cell-room of the present building, which is necessary if anything at all be undertaken at Fort Madison, it is estimated will cost $21,000. No doubt these extensions, when completed, will answer the demands of the State for years; but it is believed that true economy lies in the direction of a second penitentiary building. At best, the improvement suggested at Fort Madison is only an expedient to bridge over the difficulty for a time. Sooner or later there will be renewed demand for additional prison room. Meantime, the expenses incurred in conveying convicts to the present distant Penitentiary will continue to bear very unequally upon the several counties, and will be larger in the aggregate than it would be were there another prison, more centrally located. I would, therefore, renew the recommendation of my former message, that a site for a new penitentiary be selected, and would further suggest that provision be made for the erection of suitable buildings thereon. It is believed that a very small appropriation—not to exceed $10,000—would be sufficient for the work which could be done in two years, convict labor being largely, almost entirely, employed upon it.

Under the contract for the labor of the convicts made pursuant to the act of 1864, the contractors were required to supply labor for only 150 convicts. A modification of this contract enlarged the number to 175. This number was exceeded more than two years ago; but, as many were employed in various ways about the kitchen, dining-hall, and other appointments of the prison, there was then little or no surplus or unemployed labor. The appropriation by the last General Assembly for the increase of the number of cells furnished employment for such as there was for several months. Afterward, until February last, from fifty to seventy-five of the convicts were entirely unemployed. At that time I made a contract for their labor, running to the first day of the present month, with Messrs. Soule, Kretsinger & Co., the present contractors for prison labor; a copy of this contract will be found in the Warden's report. A provision for this surplus, which is now again unemployed, will require your earliest attention.

The success of the humanizing and elevating influences at the prison has been most gratifying. The act of 1857, providing, as a reward for good behavior, a specified diminution of the term of punishment, has an excellent effect upon the conduct of prisoners. Every convict is of course anxious for as early a termination of his imprisonment as possible, and will naturally do everything, and leave undone nothing, that will tend hasten his release. This natural inclination increases to anxiety as the period of deliverance approaches, lest he should lose the reward already earned. I attribute the admirable order which prevails at the Penitentiary largely to the beneficent workings of this statutory provision. The revival of the Sunday-school a few years ago has been another efficient agency for good; and the library, the deprivation of the privileges of which is one of the modes of punishment, does its share towards the betterment of the prisoners. A judicious enlargement of such beneficent influences is well worthy the consideration of the enlightened legislator. In this direction, I would suggest the establishment of an evening school, under the charge of a competent instructor. A reading-room might also be introduced as an additional reward for good behavior. It cannot be doubted that a part of the time between work hours and bedtime might be very profitably spent in reading and study, resulting in great benefit, and leading in many cases to thorough reformation. Thus the State, while holding every man to a strict account for his crime, would yet place it in his power to return to society a better man. The subject of introducing these accessories, as a reward for good behavior, I heartily commend to your early and favorable action.

The subject of prisons and prison discipline, has attracted much attention of late, so much so, that it has been deemed advisable to hold a national convention to consider the subject. Accordingly a convention met at Cincinnati, Ohio, in the month of October, 1870. To this body I deputed the Warden of the Penitentiary to represent the State of Iowa. The deliberations of the convention, which was very largely attended, and whose sittings were protracted through several days, were of the most interesting character, and brought out much valuable information upon the various subjects connected with the management of prisons.

On the 31st day of December, 1874, the present contract for the main body of the prison-labor will expire. Prior to that time, I would suggest that inquiries be instituted for the purpose of ascertaining the best mode of utilizing the labor of the convicts, with regard to both the financial and reformatory aspects of the question; and would recommend that a commission be created empowered to investigate the whole subject of prison management, discipline, and employment, as well as the means for effecting the largest amount of permanent benefit to the convicts; such commission to report to the next session of the General Assembly.

It is stipulated in the contract for the prison-labor that the State shall furnish the necessary shop-room. Some time since the contractors built a foundry and an additional shop. These additions to the prison conveniences were needed, and consent was given by the State authorities for their erection, the contractors to await an appropriation by the General Assembly for their reimbursement. I recommend that such appropriation, to the extent of the amount found due the contractors, be made at your present session.

REFORM SCHOOL.

The number of inmates of the School at the close of the term was eighty-five, an increase of forty-five since the previous report. The school is full, and at one time the Trustees were compelled for a while to stop receiving any into the institution. A separate house for girls is imperatively needed. This state of affairs will remind you of the advisability of taking steps towards a permanent location and edifice. The expense of such edifice the Trustees place at $75,000.

The expenses of the School for the term, including payment of note, with interest, given in former term, amounted to $28,112.20. The State contributed $22,000 to the income of the school, to which the farm, and other sources of revenue, added $5,324.92. The expenses thus exceed the income $787.28, and this notwithstanding what I deem the most rigid economy on the part of the Board and officials of the School. I am well satisfied that a small increase in the appropriation would be a judicious expenditure.

STATE HISTORICAL SOCIETY.

The State Historical Society continues its laudable work of collecting, preserving, and publishing the records of the settlement of the State and territory, and the deeds of our pioneers. As these early adventurers pass away, this work becomes more and more important. The Society receives an annual appropriation of $500; notwithstanding which, it finds its treasury, at the date of its report, overdrawn to the amount of $33.97. The "Annals of Iowa," the Society's very excellent quarterly, the Board say may hereafter be considered a self-sustaining periodical. In order to extend the area of the Society's usefulness, the Board asks an appropriation of $3,000 per annum, and the erection of a fireproof building for the preservation of its valuable collections.

IMMIGRATION.

The General Assembly, at its last session, made provision for a Board of Immigration, appropriating therefor the sum of $5,000. Immediately upon appointment, the Board entered upon its labors. The small amount of the appropriation prevented any extensive system of canvassing our own and foreign countries by means of agents; and not to exceed $500 was used in this manner. The effective work of the Board was mainly done through the instrumentality of a pamphlet compiled, under its direction, by its Secretary, Mr. A. R. Fulton, entitled, "Iowa the Home for Immigrants." Of this work, an able and invaluable compend of the resources of the State, sixty-five thousand copies, each containing a miniature map of Iowa, were printed, in the English, German, Dutch, Swedish and Danish languages, and circulated widely throughout our own and other countries. A copy of this pamphlet was sent to every newspaper in the United States; this was followed by notices more or less extended in many of the leading journals of the country. The Board also distributed a great quantity of circulars containing information concerning the State. In addition, the Secretary has written several hundred letters, many of which have been published in Eastern newspapers. Several persons have acted without pay as agents for the Board, and some of them, I have reason to believe, with great efficiency. The several railroad companies, having land-grants, particularly the Burlington & Missouri River R. R. Co., have co-operated with the Board in its efforts. The railroads running through the capital, the B. & M. and Pennsylvania Central railroads, and the Hamburg Steamship line freighted the pamphlets free of charge.

The benefit derived from these efforts, it is believed, has amply repaid the outlay. Aside from the more manifest indications of accomplished results, in the shape of colonies which have been planted, in different parts of the State, the almost unprecedented growth of the newer counties of the west gives evidence that great work has been done.

The matter of affording increased facilities for emigrants coming to the West, as well as to protect them from the impositions so constantly practiced upon them at the seaports, furnished the occasion for a national convention, which, in accordance with a call signed by the Governors of Minnesota, Iowa, Nebraska, Missouri, Kansas, Michigan, and Wisconsin, met at Indianapolis, Indiana, November 23d, 1870. At this convention, the Governors of six States and territories were present, and twenty-two States, two territories, and the District of Columbia, were represented. Iowa was represented by several members of the Board of Immigration, its Secretary, and Mr. Louis A. Ochs, of Davenport. The Convention, after a thorough discussion of the subject, adopted, by a nearly unanimous vote, resolutions favoring legislation by Congress to prevent actual abuses and frauds, and protect the true interests of the emigrant; requesting the opening of negotiations with foreign countries, so as to secure joint jurisdiction upon emigrant ships; condemning all schemes, combinations, and monopolies oppressive to emigrants; favoring a federal "Bureau of Immigration;" and declaring for the abolition of all capitation taxes collected from emigrants. Bills have been framed and presented to Congress in accordance with these resolutions, and the endorsement of the legislatures of the States interested, has been asked.

THE NEW CAPITOL.

The act of the last General Assembly providing for the erection of a new State capitol appropriated the sum of $150,000 for commencing the work. The Commissioners having charge of the matter, in accordance with a call issued by me in pursuance of the act, held their first meeting May 25, 1870. One of their first and most important duties was to avail themselves of the information requisite for the adoption of a suitable plan for the building. After visiting and examining several of the buildings of other States, erected for similar purposes, and a careful inspection and comparison of the plans submitted, they were enabled to adopt one which, it is believed, combines, in an eminent degree the elements of convenience, taste, and beauty, requisite in an edifice of that character, and yet the cost of which shall not exceed the maximum amount fixed by the law, to-wit: a million and a half of dollars. In the adoption of this plan, the Commissioners availed themselves of the advice of Edward Clark, Esq., architect of the national capitol, a person of eminent ability. Messrs. Cochrane & Piquenard, of Illinois, were selected as the architects to prepare the drawings in detail of the plan as adopted, and to supervise the construction of the building.

The next important duty, and one involving the greatest responsibility, was the choice of suitable material for the foundation. Steps were taken to obtain reliable information of the capacity, as well as the quality of the product, of all the principal stone quarries in the State. To this end, most of the quarries were visited by committees, and samples from over thirty of them were caused to be submitted to practical and scientific tests. Although these investigations established the fact that our State is supplied with an abundance of building material of good quality, yet it was soon ascertained that only a few quarries were sufficiently developed to supply at once, and as fast as needed, the quantity of stone required for such a work. From the large number of competing quarries in the State, the duty of making a judicious choice, was soon found to be a task of great difficulty. I can truly say that I believe it has been the earnest desire of the Commissioners to economize the funds placed at their disposal, and at the same time, to avail themselves of the best material for the work, to be found in the State. The facts developed, and the information elicited, will doubtless prove of great practical advantage in the choice of material for the future prosecution of the work.

During the latter part of the year 1870, contracts for excavating the foundation, and for the delivery of sand, were made. The excavation was mostly done during the fall and winter. A supply of sand was delivered sufficient for the greater portion of the entire work. The early months of the past season were spent in the details of preparation for the stone work, and in putting in the concrete foundation. In order to provide for the convenient and economical delivery of material, a branch railway of nearly a mile in length was constructed, connecting the capitol grounds with the railroads running into the city.

On the 12th day of May, 1871, a contract was entered into with Messrs. Tuttle & Robertson, of Des Moines, for furnishing the stone for the foundation, at the price of

$10.25 per cubic yard for dimension stone, and $5.75 per cubic yard for block rubble. Under this contract the first car load of stone was delivered on the ground, June 15, 1871, but owing to the delay incident to the opening of a new quarry, and its subsequent failure to yield stone of size and quality as required, the contractors were prevented from delivering stone as fast as needed. The first stone was not laid in the foundation until the 17th of August. On the 23d of November, the formal proceedings of the laying of the corner-stone took place, at which time, in consequence of the severity of the weather, the work was suspended for the season. At this time the contractors were furnishing stone from a new quarry as fast as needed, and the work was being prosecuted vigorously. Had the season for laying stone been protracted, as we usually have reason to expect, nearly the entire foundation walls would doubtless have been laid. As it is, about three-fourths of the outside foundation walls are laid, on solid concrete masonry, two feet in thickness.

For full details of the work already done, reference may be had to the report of the Commissioners soon to be submitted. The report will show that at the date of January 1, 1872, there had been expended of the appropriation, the sum of $119,997.62, leaving a balance on hand of $30,002.38. With the necessary buildings, machinery, and a railway to the capitol grounds, already provided, future operations on the building may be resumed without the delay attending the work heretofore.

In view of the importance of the work, and the absolute necessity that the building be pressed steadily forward to completion, or at least to a condition suitable for occupancy, I would earnestly recommend that the present General Assembly make a certain fixed annual appropriation, say of not less than $150,000—the amount to be increased as the resources of the State may admit, and as the stage of the work may require, and not to exceed in the aggregate the estimated cost of the building. This would save the Commissioners much embarrassment in making their arrangements and contracts.

I would suggest that the law creating this Board be so modified as to reduce the number of its members to three or not to exceed five; that they be selected for their peculiar fitness for the work without regard to locality; and that their salary be sufficiently liberal to enable them to devote all their time to the duties of their office. I would also recommend that both political parties be represented upon the Board.

Below I present a summary of the amounts deemed necessary by the Boards and officers having charge of State institutions and public works, for new buildings, for repairs, and for improvements requiring special appropriations. Some of the objects for which the several amounts are asked, however desirable, may be delayed until the next General Assembly shall meet; but most of them, I think, should receive immediate attention. It is for the General Assembly, whose members are just from the people, and familiar with their views and feelings to say how much shall be expended for these various objects.

The following are the figures:

Hospital for the Insane at Independence	$ 200,000.00
Hospital for the Insane at Mt. Pleasant improvements and contingences......	27,900.00
New Capitol	300,000.00
Asylum for the Blind, addition to building............................	100,000.00
Institution of Deaf and Dumb.........	10,000.00
Institution of the Deaf and Dumb, wing to building........................	100,000.00
Penitentiary improvements	12,000.00
Penitentiary enlargement.............	44,000.00
Agricultural College, buildings and improvements	100,000.00
Soldiers' Orphans' Homes, buildings and repairs..........................	15,000.00
Soldies' Orphans' Homes, libraries.....	700.00
Reform School......................	75,000.00
Board of Immigration................	20,000.00
State Historical Society.............	6,000.00
	$1,009,700.00

The Auditor of State, in a very acceptable table, estimates the income for the two years ending November 2, 1873, at $1,972,400, and the expenditures at $1,341,500, leaving towards meeting the above mentioned special demands, and any other for which the legislature may deem it advisable to provide, the sum of only $630,900.

THE GEOLOGICAL SURVEY.

The Report of the late State Geologist was published last winter in two very elegant volumes, and circulated extensively in our own and other countries as required by the act authorizing its publication. It has called forth high encomiums for its scientific and general excellence from eminent authorities both in Europe and America. It is to be regretted, however, that the survey could not have been completed before the publication of the work; and I hope it will be resumed at no distant day, and carried through to completion.

RAILROADS.

I have before mentioned the completion of the entire line of railroad from Dubuque to Sioux City, and of its Tete des Morts Branch, as well as the construction of the McGregor and Missouri River Railway to Algona, and of the Des Moines Valley road to Fort Dodge. In addition to these land grant roads, the Burlington Cedar Rapids and Minnesota Railroad is now in operation, from Burlington to Nora Springs, in Floyd county. The Central Railroad of Iowa has been extended on the south to Albia, and on the north to Northwood, Worth county. The St. Louis and Cedar Rapids Railroad is completed to Ottumwa, and is operated by the North Missouri Railroad Company, making a direct route from that city to St. Louis. The Burlington and Southwestern Company has built a line from Fort Madison to Bloomfield, connecting at the former place with Burlington, and at the latter with Moulton. The Chicago, Rock Island and Pacific Company has extended its road from Washington through the counties of Jefferson, Wapello, Appanoose, and Wayne, into the State of Missouri, and through that State to Leavenworth, Kansas. The Burlington and Missouri River Railroad Company has built a branch from Red Oak Junction, in Montgomery county, to Hamburg, in Fremont county, a distance of thirty-nine miles. The Davenport and St. Paul Railroad has been built from the first named city to Maquoketa, in Jackson county, a distance of 43 miles, and to Wyoming, in Jones county, a distance of 53 miles. The Iowa Midland Railroad is in operation from Clinton *via* Maquoketa to Anamosa; and the Sabula, Ackley and Dakota Railroad is built from the former place through Jackson and Clinton counties, to Oxford Mills, in Jones county, a distance of some 50 miles.

On the 31st of December, 1868, there were 1448 miles of railroad in the State, and on the 31st of December, 1870, there were 2,783 miles, an increase of 1,335 miles in the two years. There are now, 3,000 miles of railroad in operation in the State. According to the estimate of the Treasurer of State, the value of the property now in railroads may be put at rather more than $80,000,000, or about one-eleventh of the entire value of all the property in the State. The magnitude of this interest is now so formidable as in my opinion to demand some measure of official supervision. At present, railroad companies, upon the completion of their lines, are required to report to the legislature, stating "the amount paid in," the entire expenses of construction, "the length of the road, the number of planes on it, with "their inclination to the mile, the greatest curvature of the "road, the average width of the grade, and the number of "ties per mile." I am not aware that any railroad company in the State has complied with this requirement; certainly very few, if any, have done so.

Each railroad is also required to report, under oath, to the Secretary of State annually, "showing the amount" of its capital stock, and "amount paid thereon; the amount of "bonds issued, and how secured, and all other indebtedness; "the length of such railroad when completed, and how "much is built and in use; the number of acres of land "donated or granted to them, by whom, and what disposition has been made of said grants or donations; the gross "amount of receipts, and how disbursed; the net amount of "profits and the dividends made, with such other facts as "may be necessary to a full statement of the affairs and "condition of such railroads." This requirement is complied with by only a small number of companies; and it is not made the duty of any officer to enforce the provisions of either statute. The latter report may be compelled by a writ of mandamus asked for by any stockholder; but there is no penalty in either case for failure to make report. If it were made the duty of some public officer to enforce the making of these reports, there can be little doubt that they would be obtained. Other States, with a larger experience than ours, yet with interests no greater, require systematic reports for the information of the people and to aid in intelligent legislation. There are also questions of safety for life and property, in the management and repairs of old roads and in the construction of new ones, that suggest the need of official supervision. I would recommend the appointment of a board of commissioners, clothed with authority to inspect the several railroads in the State, their mode of construction, management, mode of operating, charges, connections, &c., and with power to compel an observance of the laws of the State concerning railroads.

I have before made suggestions as to the disposition to be made of railroad taxes. The question as to the mode of raising these taxes has been much discussed, and that now prevalent in this State has been more or less severely criticised. I am, however, of the opinion, that it is the most practicable method yet devised for the purpose. But, in order that this sort of property should bear its just proportion of the public burdens, it is only proper that the tax now levied upon gross earnings, should be increased. The entire sum collected from railroads for the year 1870, amounted to $186,722.04. The property paying this tax is estimated by the Treasurer of State as worth $75,000,000. To correspond with the assessment of other property, it would probably be valued for revenue purposes at some $30,000,000. The tax obtained from railroads, therefore, is equal to about six and a quarter mills on what, under the estimate adopted, would be the assessed value of this kind of property. I have elsewhere given the average tax throughout the State for the same year at 3⅛ per cent., or about five times that contributed by railroad property. It may be said that this calculation is based upon an over-valuation of the property of railroads. Perhaps it is; yet it certainly cannot be so far out of the way as to obliterate the fact that a very great disparity exists between the revenue from this class of property and that from other sources. This state of affairs, I submit, can readily be remedied without imposing any undue burdens upon existing lines, or crippling new enterprises.

CENSUS AND APPORTIONMENT.

The census of 1870, taken by the federal government, reports a population of 1,191,802 in the State. This is an increase of 150,983 over the figures given by the State census of the previous year—the largest gain yet made by the State during the same period, viz.: about sixteen months. The advance made since the census of 1860 is 516,889. The rapid strides Iowa has made are better realized upon comparing her growth with that of other States. In 1850, she stood twenty-seventh of the States of the Union in point of population. In 1860, she ranked twentieth; and in 1870, eleventh. Among the duties devolving upon you, at the present session, will be that of apportioning the State into seven Congressional districts, or, if the bill pending in the United States Senate passes, into nine of them. In justice, the representation in the present Congress, and consequently in the electoral college next fall, should be based upon the census of 1870; but efforts to effect this result have hitherto failed, and will not probably now be renewed. An apportionment of the State into senatorial districts for four years, and into representative districts for two years, will also be necessary. The judicial districts may now also be reorganized for four years. I would suggest the creation of another judicial district, in order to relieve some of our overburdened districts, and, at the same time, to provide for the newer but more rapidly growing counties.

REUNION OF IOWA SOLDIERS.

Chapter ninety-nine of the acts of last session appropriated the sum of $15,000 for the expenses of a reunion of Iowa soldiers then in contemplation. Arrangements were forthwith entered into for the accomplishment of the object.

The time for the reunion was postponed until August 31st and September 1st. 1870. All the railroad companies in the State very generously agreed to transport the enlisted men of the late war free of charge, and the officers half fare; while the United States government loaned several hundred tents for the accommodation of the multitude. Contracts were entered into for all the supplies needed, and the most elaborate arrangements were made for the subsistence of the guests of the State. Upon the 31st day of August, 1870, it is estimated that not far from thirty thousand Iowa soldiers were convened at Des Moines, besides an immense concourse of citizens attracted by the grand occasion. The Secretary of War was in attendance and delivered the oration. General Sherman and other distinguished officers of the army were also present. The railroads, especially those coming into the city, were tasked to their utmost capacity, but did their work extremely well. The most admirable order prevailed during the reunion; and the meeting throughout was one of intense interest and enthusiastic enjoyment, long to be remembered by the soldiers of Iowa. The whole cost of the reunion to the State was $14,090.15, leaving undrawn, of the appropriation for the purpose, the sum of $909.85. The details of the expenditures, with vouchers, will be found on file in the office of the Treasurer of State.

FOX AND WISCONSIN RIVER IMPROVEMENT.

In my last message I called the attention of the legislature to the efforts being put forth for opening up to navigation the waters of the Fox and Wisconsin rivers so as to enable the people of the State to transport grain and products from the Mississippi river to the lakes by water. In 1870, Congress appropriated the sum of $100,000 for this work. The act making this appropriation provided for the appointment of a board of arbitrators to estimate the value of the interest of the Green Bay & Mississippi Canal Company in the improvement. Hon. William Larrabee, of Iowa, on the part of the United States, and Hon. James R. Doolittle, of Wisconsin, on the part of the company, were selected such arbitrators. They chose Hon. Paul Dillingham, of Vermont, as the third member of the board. Upon the 15th of November, this Board decided upon the award, which is understood to be as follows: For value of locks, dams, franchises, water-power, personal property, etc., the sum of $1,047,070; from which is to be deducted the sum of $723,070 for value of the lands sold; leaving a balance of $325,000; or, if only the improvement proper be taken, of $145,000. The company having previously agreed to accept the amount, the improvement has become the property of the Government, and we may now look for the continued progress of the work.

CENTENNIAL CELEBRATION.

Congress at a recent session passed an act looking to a national centennial celebration in 1876, in the shape of a world's fair, for which the city of Philadelphia was very properly chosen as the place. The act provides for the selection of a board of commissioners, consisting of one from each State; to be named by its executive. I accordingly designated Hon. Robert Lowry, of Scott county, as such commissioner, and Hon. Coker F. Clarkson, of Grundy county, as commissioner alternate. The Board, it is understood, is called to meet early in the coming spring to enter upon its important labors.

CONSTITUTIONAL CONVENTION AND AMENDMENTS.

Pursuant to the requirements of the constitution and the provisions of chapter 168 of the acts of last session, the question, "Shall there be a convention to revise the constitution and amend the same," was submitted to the people at the general election of 1870, there were cast "For a convention," etc., twenty-four thousand eight hundred and forty-six votes; and "Against a convention," etc., eighty-two thousand and sixty-nine votes. So the people decided not to hold a convention.

There will come before you for advancement another stage, if you so order, three amendments to the fundamental law. One of these proposes to remove the provision restricting the right of suffrage to "male" citizens. The effect of the other two, if adopted, will be to remove all disqualifications for holding seats in the General Assembly on accont of either sex or color.

CODIFICATION OF THE LAWS.

The call for a convention having been decided in the negative, the commissioners appointed by chapter 75, of the acts of the last session, immediately entered upon the work of revising the laws. Shortly afterwards, Mr. John C. Polley, of Clinton county, one of the members of the commission, having removed from the State, tendered his resignation. I appointed Mr. William G. Hammond, of the University Law School, his successor. The report of the commission has been printed and transmitted to the members elect of the Fourteenth General Assembly. You have therefore been enabled to examine the recommendations of the Commissioners, with their reasons therefor. To the changes they propose, your experience will doubtless enable you to add others. I indorse in the main the recommendations of the report, and sincerely hope that the code recommended, with such amendments as the General Assembly may see fit to make, will soon become the law of the State.

I may remark that the changes proposed in the criminal code are, in my judgment, well calculated to render punishment for crime, if in some cases less severe, in all more certain and effective. The suggestion made by the Commissioners in favor of the abolition of the grand jury, if it can be done constitutionally, I most heartly indorse; and I am prepared to go further, and to recommend, as I now do, that steps be taken by you towards an amendment of the constitution, whereby the control of this subject may be brought within the scope of the powers of the General Assembly. My observation satisfies me that the grand jury is a costly and useless relic of bygone days, and that its abolition will work no detriment whatever to the cause of justice.

My attention has been forcibly called during my term of office to a number of instances where sub-contractors upon railroads, after receiving pay upon their contracts, have absconded, defrauding the laboring men in their employ, who are ill able to afford the loss, sometimes causing absolute suffering, and even leading to mob violence. It is a species of downright fraud, and if it can be reached by a penal statute, it would seem that it ought to be.

VACANCIES IN OFFICE.

Twice since the last session resignations have been made to me by public officers, to take effect at some future period, a general election intervening. A question was raised as to the legality of an election to fill the vacancies at such general election. I should, without hesitation, have included the offices thus to be vacated in the usual election proclamation, believing the spirit of the law would justify it; but the officers tendering their resignations, in order to avoid any question, withdrew them, and immediately renewed them to take effect before the election. I suggest the amendment of the statute upon this subject, so as to remove all doubt, and to consider vacancies thus in prospect as actually existing for the purpose of election or appointment.

Subsequently to your last meeting, the offices of Lieutenant-Governor and Speaker of the House of Representatives became vacant the incumbents having been elected Representatives in Congress. In September last, the President *pro tem.* of the Senate resigned his seat in that body, thereby vacating its presidency. Thus all the offices, whose incumbents could perform the duties of the Governor in case of a vacancy in this office, were themselves vacant, leaving no one qualified by law to succeed to the governorship. After an examination of the constitution, and of the law bearing upon the question, I determined to act upon the authority conferred by section 10, article 4, of the constitution, and section 664 of the revision, and accordingly appointed Hon. Henry C. Bulis, of Winneshiek county, Lieutenant-Governor of the State. I am aware that, in thus naming a presiding officer for the Senate, I ventured upon delicate ground, and went perhaps to the verge of the constitutional power of the executive; but trust that the emergency which alone could have induced me to act, will also be my justification.

The examination I made at the time this matter was before me, led me to observe, more closely than I had before, the language of the constitution upon the subject; and I found that under a strict construction of that instrument, the Lieutenant-Governor only can succeed to the Governorship, upon the death, resignation, or impeachment of the Governor. The provision for the succession of the President *pro tempore* of the Senate, and the Speaker of the House of Representatives, applies only to cases where the Lieutenant-Governor, *while exercising the duties of the office of Governor*, shall die, resign, or be impeached. The undoubted intent of the constitution is that these officers shall succeed in the order named, whenever a vacancy shall happen in the executive office, but the literal fact is as I have stated. I suggest that, if the General Assembly deem it within the range of its powers, an act be passed supplementing the constitutional provisions respecting the succession to the gubernatorial office, and especially providing for any emergency similar to the one above referred to.

ROAD LAWS.

Much complaint is made of the inefficiency of our present road laws. There are large outlays, it is said, for the repair of roads, with very small returns. The amount levied during the year 1870 for road taxes was $268,137.46; and this was exclusive of road-poll taxes. It is believed that one-fourth of this amount, judiciously expended, would effect more permanent improvement than can be accomplished under the present wasteful management. The abolition of the existing road-districts, with township supervision under an officer selected for the purpose, who would be enabled to systematize the work upon the roads, would, it is thought, give us much better roads with smaller expenditure. There is much justice in the complaint, and I deem it only proper to invite your attention to the subject.

INSURANCE.

Two national conventions of State officers for the purpose of considering the subject of insurance and of laws for the security of the insured, were held in the City of New York during the past year. To the later one, held October 18th, having been invited to send a delegate, I appointed Hon. John Russell, Auditor of State, to represent the State of Iowa. The meeting was held at a grave moment. The terrible conflagrations of that month, involving the loss of hundreds of millions of dollars' worth of property, were yet fresh in the minds of all; and the failure of many insurance companies was feared as a consequence of their tremendous losses. Several days were spent in deliberation, the Convention seeming to be actuated to an unusual degree by an intelligent purpose to accomplish worthy results. A draft of a uniform law was agreed upon, to be submitted to the legislatures of the several States. It will doubtless be laid before you early in the session. Whatever changes are made, or new provisions introduced into our insurance law, I recommend that no company, home or foreign, be permitted to do business in the State without a paid-up capital of at least $50,000.

COUNTIES AND CITIES.

The counties of Lyon and Osceola have just been organized, elections having been held in those counties last fall for county and town officers. All the counties in the State (ninety-nine in number) are now organized. The act of last session, creating the county of Crocker, has been declared unconstitutional by the Supreme Court, in the case of Garfield *vs.* Brayton, because the proposed county was below the minimum size required by the constitution. I would suggest that, if it be deemed advisable to pass a new act obviating this difficulty, a provision be inserted for the submission of the question to the people in order to meet another constitutional question raised in the above named case, but not decided in the Supreme Court.

In view of the many instances of issuance by local authorities of bonds, the validity of which has been disputed, causing vexatious litigation as well as much hard feeling at home and financial discredit abroad, I suggest the propriety of enacting a law requiring that the bonds of cities, towns, and school-districts, before being sold, be registered by the Auditor of State, upon satisfactory proofs being made to that officer that such bonds were in all respects legally issued, and that the county, city or district issuing them has not exceeded the legal limit of indebtedness. Registration, with provision for the prompt payment of interest and principal when due, would tend to elevate the character of the various local securities, and expedite their sale when offered, as well as be beneficial to the credit of the entire State. I have reason to believe, that had this been done a few years ago, multiplied thousands of dollars would have been saved to our various counties and municipalities. One or more of our sister States have adopted the plan here suggested, and its practical effects appear to be most salutary. In my last message I called attention to the fact that pretended bonds of the county of Lyon were afloat. It has recently been reported that attempts would be made to get such fraudulent issues assumed by the organized county. I do not know that there is any likelihood of such scheme being successful, nor, if it were, that it would be held valid by the courts; yet I would suggest the propriety of prohibiting, by positive law, any assumption of the character mentioned.

MISCELLANEOUS.

I recommend that the Secretary of State and the Superintendent of Public Instruction be authorized to procure seals for their respective offices, they being frequently required to give certificates, which should be attested by seal.

Our statutes lack any provision for the management of savings banks and the security of depositors therein. Many of the States have adopted laws upon the subject. The utility of these institutions is so familiar to you all, that I need only mention the defect, and invite you to take action thereon.

I have thus briefly called your attention to such matters as seemed to me necessary to be presented for your consideration at the commencement of your session. Other subjects will doubtless appear to you as equally important as any I have named; and there are yet others which must, at no distant day, be subjects of legislation. Additional public institutions will be needed. An industrial home for girls, a retreat for idiots and feeble-minded children, and perhaps an asylum for inebriates, are among the prospective charities of the State. The time has not yet come, I apprehend, for action in relation to these meritorious objects. Questions of more immediate importance will demand your attention, and those which will undoubtedly come before you will make your session one of unusual interest. That your deliberations will eventuate in legislation such as will deserve and receive the approbation of your constituents, is my confident anticipation.

Our State, with its first quarter of a century just completed, has already made a history by her progress, her enterprise, and her patriotism, of which all her citizens may be proud. The sparsely settled territory of 100,000 souls, which twenty-five years ago became a State, has grown to an opulent commonwealth, of 1,350,000 people. The luxuriant soil Iowa was known to possess has more than fulfilled its early promise; while her treasures of stone and coal, then hardly suspected to exist, have added largely to her wealth. Railroads, then scarcely west of Ohio, now stretch their 3,000 miles of iron in network over the State; and the telegraph goes with them. Her political record has been equally honorable. The first free daughter of the Missouri Compromise, she has been true to her heritage of freedom. Among the first to rush to the support of an endangered Union, and to lay her best blood on the altar of her country, she was also first to strike from her constitution the odious discrimination between her citizens on account of color. The past career of Iowa, both as territory and State, has been honorable, progressive, substantial. May her future be even more so!

Abroad, the year past has been one of sadness to many, both in our own and foreign lands. Our sister State across the Mississippi has seen her mighty metropolis laid in ashes, and farther north Wisconsin and Michigan have been scourged by fire until it seemed that the very heavens were all ablaze. Houses, shops, mills, stores, school-houses, churches, improved farms, cultivated fields, all vanished before the flames; and countless thousands of people were made homeless and deprived of food and clothing. Relief, however, was speedy and munificent, and distant nations vied with our own States in furnishing prompt and generous aid to the needy.

Immediately upon learning of the disaster at Chicago, I at once telegraphed to the mayors of the leading cities of the State, urging prompt measures for relief. The willing people, however, had already set to work in many places, and the fury of the flames was scarcely stayed before money, food, and clothing began to pour into the suffering city from all parts of Iowa as well as from other States; and the work was continued as long as there seemed to be vital need. Liberal contributions were also made for the sufferers of Michigan and Wisconsin.

NATIONAL AFFAIRS.

In national affairs, we find a healthful tone. The past two years have witnessed the consummation of the final triumph of the war, in the adoption of manhood suffrage; and we now see all men equal sovereigns before the law. Every citizen now stands the peer of his fellows. The true principles of constitutional liberty have become fixed in the fundamental law, and enthroned in the hearts of the people, never to be obliterated from either. The national administration successfully feels its way along, annually paying one hundred millions of dollars of the public debt, reducing the yearly interest more than sixteen millions of dollars, and at the same time lessening the burden of taxation. The strong arm of the federal power has been wielded for the protection of the rights of citizens, and clandestine organizations, gotten up for the persecution of those whose only crime is that they advocate principles just such as are held by a vast majority in our own State, have been broken up, and their members arrested or dispersed. The mode of entering the civil service has been reformed so far as the President can effect it, and appointment and promotion therein are hereafter to be by merit—so long at least as the present incumbent of the presidential chair shall remain therein. And among the triumphs of the administration, not the least is the settlement of our threatening difficulties with Great Britain by an adjustment highly honorable to all parties.

I have noticed with much pleasure the recommendations and suggestions of the chief magistrate of the United States in his late message, relative to reduction of tariff on articles of necessity not produced in this country, to the postal telegraph, to reform in the civil service, &c. The adoption of the last named measure especially will tend greatly to correct the many abuses which for nearly half a century have been creeping into the administration of the national Government. What the people want and demand is an honest and economical policy in the management of the public affairs. Such a policy will help us materially to return to specie payment, and to steer safely through all financial difficulties; any other will endanger our credit, and cover us with disgrace.

The discovery of the electric telegraph may justly be reckoned among the sublimest achievements of the human mind—perhaps more far-reaching in its effects than any other of the wondrous off-spring of the brain of man. Thus calculated for vast beneficence, the widest scope should be given to its powers. This can never be accomplished while it remains the private property of any individual or corporation, much less when it is, as now, practically monopolized. Every argument which can be adduced in favor of a government post-office applies with equal force, in my judgment, to a government telegraph; and the sooner the latter is united with the postal system of the country the sooner will the people realize the full benefit of this great invention. I would suggest to the General Assembly, the propriety of adopting a memorial to Congress expressive of the opinions and wishes of our people relative to this and other important subjects of national legislation.

I cannot close this my last message without expressing to the people of Iowa my grateful acknowledgments for the generous confidence they have reposed in me. During the four years of my service to the State I have received from them a support, a sympathy, and an encouragement which have greatly aided me in the discharge of my official duties.

While administering the office of chief magistrate, I have been filled with increasing respect for the institutions of the State. No one, so well as he who upon this post of observation, has been called to keep constant watch of the whole field, can grasp in thought and feeling the history and growth of the commonwealth. While discharging my duty, to be diligent in aiding the development of our State, to labor for the success of our schools and charities, and to temper mercy with justice, it has been my privilege to realize the intelligence, justice, and humanity of our people.

In severing my connection with the State government, I cannot close this communication without bearing my willing testimony to the fidelity, zeal, and industry of the various officers of the State, and those associated with me in the different agencies of the government during my administration of its affairs. I shall ever carry with me in my retirement a grateful remembrance of the friendship and courtesy which have always marked our official relations.

To have served the State at this time of its greatest prosperity, and to have been permitted to aid, in an official station, in laying the foundations of her future greatness, may justly be regarded as an honor. But there is an honor, too, in being a private citizen of such a State; and as I pass from the one station to the other, permit me to unite with you in dedicating ourselves, our commonwealth, and our country anew to freedom and to God.

Samuel Merrill.

VETO MESSAGES

TO THE SENATE

MARCH 22, 1870

From the Journal of the Senate, p. 325

Gentlemen of the Senate:

I herewith return to your honorable body, in which it originated, with my objections "An act to enable Forest City township, Howard Co., to hold a special election for township trustees and township clerk."

The first section of the bill provides that there shall be held, in the township named in the title "on the last Monday of March, 1870," a special election for the choice of three trustees and a clerk.

Section second provides that the "posting up of a copy of this act in three public places in said township for *ten days* before the day fixed for said election, etc., shall be sufficient notice of such election." This notice, it is manifest, cannot now be given, there being only a week between the time the bill was presented for my approval (yesterday) and the date of the proposed election.

I need not perhaps assign any further reason for returning the bill, but I cannot omit availing myself of the opportunity it presents for calling attention to the questionable constitutionality of this class of legislation. Section 30 of article 3, of the Constitution, prohibits the General Assembly from having *special* or *local* laws in certain cases which are therein specified, and it is added, "in all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State." The bill before me, I apprehend, proposes to meet a case, when the offices of township trustee and township clerk are all vacant at the same time, and where at present there is no provision of law for filling the vacancies. Such a combination of circumstances is of rare occurrence, and for that reason, undoubtedly, a special act is deemed desirable in this case.

But upon mature reflection I am forced to the conclusion that this is peculiarly a case where a general law *can be made applicable*, and where consequently, a special law is inadmissible. Such a general act, while free from all doubt as to its constitutionality, would alike meet present emergencies and provide for future contingencies.

SAMUEL MERRILL.

TO THE SENATE

APRIL 11, 1870

From the Journal of the Senate, p. 531

EXECUTIVE DEPARTMENT,
DES MOINES, IOWA, APRIL 11, 1870.

Gentlemen of the Senate:

I return herewith to the Senate, in which it originated, without my approval, "an act releasing to James H. Jordan, of Davis county, Iowa, the interest of the State of Iowa, in and to the north half of section ten, township seventy, north of range twelve west, in Davis county, Iowa."

This case is one of many which have been, and are now in process of settlement by the Board of Trustees of the State University, and this particular case had been by agreement of parties set down for hearing in the Courts in the coming month of May. This being true, I cannot but think the present an inopportune time for the action proposed. If Mr. Jordan's title is good in law, the courts will undoubtedly sustain it. If it is not, and yet he has equitable claims, the Board of Trustees of the University, it is believed, may be relied on to do justice therein, as they have done in like cases heretofore.

It is necessary for a proper understanding of the case that the grounds on which the University's claim to the lands is based should be known. They are, as I am informed, briefly these: The lands are a part of the "Saline Grant," which is now a part of the University Endowment. One quarter section was entered in 1847, with cash and the other in 1848, with a military bounty land warrant.

In 1852 the Commissioner of the Land Office approved of the selection of saline lands which had been made by the agent of this State in 1847, such selections including the above mentioned tract, and directed the return of the amount paid in cash, and also of the warrant, the entries having been cancelled. That the warrant was returned, conclusive evidence is found in the fact that the warrant was subsequently relocated in the Council Bluffs district. Mr. Jordan, whose benefit this bill contemplates, became possessor of one quarter section in 1853, and of the other (that entered by the warrant) in 1861; of both after the cancellation of the entries. Furthermore, the University has had no evidence that Mr. Jordan ever lived on or improved the lands. The property, I am informed, was estimated by the former Treasurer of the institution to be worth some thirty dollars per acre. This bill proposes that the grantee shall pay one dollar and a quarter per acre.

I do not wish to be considered as arguing this case upon its merits, nor as prejudging it; but I submit whether this and similar claims should not be left to smaller bodies than the General Assembly, where both sides can be more readily heard. Again, may not this be considered as establishing a precedent for the disposal in like manner of similar cases now pending, or which may hereafter arise?

I regret exceedingly to feel obliged to disapprove of any measure which has passed the General Assembly; but my views of duty constrain me in this instance to return this bill.

SAMUEL MERRILL.

VETO DEPOSITED WITH THE SECRETARY OF STATE

MAY 13, 1870

From MS. Copy of Executive Journal, Vol. IV, A, p. 268—in the Office of the Governor, Des Moines

An Act to enable School Districts to borrow money for the erection of School Houses, was submitted for my approval the day before the close of the recent session of the General Assembly, and was retained for consideration subsequent to the adjournment. It is now deposited with the Secretary of State disapproved.

The bill provides for a reappraisement of property in independent school districts where since the last biennial valuation of real estate, in the opinion of the board of directors the population and taxable property of the district has increased in number and value one hundred per cent, the new valuation to be returned to the county auditor. Thereafter the district would "have power to borrow money for school houses to an amount not exceeding five per cent of such valuation." The maximum is that fixed by the existing statute allowing independent districts to borrow money, and it is also a limitation established by the constitution, and the proposed measure seems to contemplate conformity to both of these requirements. But does it conform to the constitution? I think not. The language of that instrument, as found in section 3, Article XI, is as follows:

"No county or other political or municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such county or corporation, to be ascertained by the last State and county tax lists previous to the incurring of such indebtedness."

The value of the taxable property within such county or corporation, it appears is to be ascertained from the State and county tax lists. The bill before me proposes that it shall be ascertained from a special appraisement of the district. There would seem to be here a grave conflict between the constitution and the proposed statute. But it may be urged that the contemplated appraisement would become a part of the last county valuation superseding that previously made at the regular time of assessment. But can this revised assessment become a part of such county tax list? I think not, for the reason that it is itself no tax list. No provision whatever is made in the bill for the levying of any taxes under the appraisement, not even for interest on the bonds which might be issued under the enhanced valuation. There appears, in short, to be one valuation for purposes of taxation and another on which to borrow money. The language and spirit of the organic law are alike in conflict, I apprehend, with any such distinction and therefore with the bill before me. It is with regret that I feel myself compelled thus to act, particularly when the object the bill contemplates is one so worthy as is that of the enlargement of educational facilities. But I cannot, even for this object, consent to overstep the barriers which the constitution has wisely placed around the powers of political corporations in the creation of indebtedness.

[Samuel Merrill,]
[Gov.]

VETO DEPOSITED WITH THE SECRETARY OF STATE

May 13, 1870

From MS. Copy of Executive Journal, Vol. IV, A, p. 269—in the Office of the Governor, Des Moines

State of Iowa, Executive Department,
Des Moines, May 13th, 1870.

I herewith deposit in the office of the Secretary of State, without my approval, *An Act for the relief of Marion*

County for money stolen from the county safe; the same having been left with me during the last three days of the recent session of the General Assembly, and retained by me for consideration. My objections to the measure are the same as those assigned to similar bills for the relief of Jasper, Harrison, and Louisa counties. In addition, I find that the bill proposes to give the county credit for several hundred dollars of the principal of the permanent school-fund, and over twelve hundred dollars of interest on that fund. The school-fund of the State the offspring of the munificence of the federal government is too lightly guarded at best, in my judgment, under existing laws, and I cannot consent to the relinquishment of any portion of it, even though to do it might afford temporary relief to a county suffering from a robbery.

(Signed) SAML. MERRILL, GOV.

VETO DEPOSITED WITH THE SECRETARY OF STATE

MAY 13, 1870

From MS. Copy of Executive Journal, Vol. IV, A, p. 270—in the Office of the Governor, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, May 13th, 1870.

I am not able to see any reason for the provision of Section four of *An Act to confer certain powers on the Judges of the Circuit Court.* If, the provisions of that section are not as it would at first reading seem an oversight it certainly manifests haste and want of due consideration. I think with that section remaining the law would be productive of confusion in the matters it was intended to aid. For these reasons, I cannot approve it.

(Signed) SAML. MERRILL.

VETO DEPOSITED WITH THE SECRETARY OF STATE

MAY 13, 1870

From MS. Copy of Executive Journal, Vol. IV, A, p. 271—in the Office of the Governor, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, MAY 13TH, 1870.

I herewith deposit with the *Secretary of State*, with my objections *An act empowering the Governor to release certain lands in Pocahontas county to the United States*, which was submitted to me during the last three days of the session and retained after the adjournment for consideration.

The design of the bill, as appears from the preamble, is to allow the title to certain lands in Pocahontas county to be relinquished to the United States, that they may be certified to the State as swamp lands in order to make good the title of Marcus I. Sacia, who purchased them from Pocahontas county.

Upon inquiry, I am led to believe that the claimant has neither legal nor equitable rights to the lands in question, having taken them with the knowledge that the title of the county was questionable, if not worthless. Whatever money he may have paid for them, of course the county is responsible for.

I might allow this bill to pass without objection, as it does not require the Governor to relinquish the lands, but simply authorizes and empowers him to do so on authority which the Executive may not choose to exercise; but I prefer this course, in order that the relinquishment may not be made without further scrutiny by the General Assembly.

(Signed) SAML. MERRILL, GOV.

SPECIAL MESSAGES

TO THE SENATE

JANUARY 20, 1868

From the Journal of the Senate, p. 72

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 20, 1868.

Gentlemen of the Senate:

I have the honor to transmit herewith the report of the commissioners to locate the Institution for the Deaf and Dumb at Council Bluffs, together with the indenture between the commissioners on the part of the State and the building contractor.[1]

Respectfully,
SAMUEL MERRILL.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1868

From the Journal of the House of Representatives, p. 86

Gentlemen of the House of Representatives:

In compliance with your resolution of January 18, 1868, inquiring whether ''the amount stopped against the pay of the Second and Third Iowa Infantry Volunteers has been refunded to the State by the General Government," I would inform your Honorable Body that this amount has been allowed by the General Government, and that the Auditor of State is now issuing warrants for the same.

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[1] The Commissioners' Report is given in full in the Iowa Legislative Documents for 1868, Vol. II.

SAM'L MERRILL, GOV.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 24, 1868

From the Iowa Legislative Documents for 1868, Vol. II

EXECUTIVE OFFICE, JANUARY 24, 1868.

Gentlemen of the Senate and House of Representatives:

There are a few subjects of especial interest to which I desire to call your attention, and which I wish to make the basis of some recommendations for legislative action,

The successful settlement of the claims of our State against the General Government has placed our finances in a most satisfactory condition. Col. Dewey, by whose faithful services so large a sum has been placed in our treasury, ought to receive the thanks of the Assembly, and a compensation more nearly commensurate to the valuable results he has been instrumental in effecting. The good fortune which has attended his connection with this matter plainly indicates the advisability of empowering him to complete its final settlement. I would therefore recommend that he be authorized to prosecute the work to its conclusion, and moreover, that he be allowed a certain per cent upon all claims to be recovered, in addition to the compensation he now receives.

RAILROADS.

The development of our agricultural and mineral resources is largely affected by the completeness and extent of our facilities for transportation. This fact renders it imperative that the State pursue a liberal and even generous policy in dealing with this class of corporations.

The Dubuque & Sioux City Railway Company having failed to comply with the essential conditions upon which their land grant was conferred, I would unite with my predecessor in recommending its resumption by the State. When that shall have been done, let it be bestowed upon some company affording the most indubitable assurances of a rapid and energetic extension of the road. Whatever corporation shall be invested with this valuable grant, let the condition of *time* be made especially prominent, so that the fertile region which has so long awaited the completion of this line, may be placed in early communication with the great markets of the interior and the East.

The Act of Congress approved May 12, 1864, conferred upon the State a grant of land "to aid in the construction of a railway from a point at or near the foot of Main Street, South McGregor, in a westerly direction, by the most practicable route on or near the 43d parallel of north latitude." This grant of land was conferred upon a corporation known as the McGregor Western Railway Co., but no patents have yet been issued to them by the Secretary of the Interior, on the ground that the conditions of the grant have not been complied with by the company. This action was taken only after a careful examination of the subject by a competent officer of the Department. Disclaiming any other feeling than an earnest desire for the promotion of the interests of that section affected by the non-fulfillment of those terms, and, consequently, of the State, I can not perceive how the action of the Secretary could have been otherwise in the premises. The line of road now constructed does not start from the designated point, and does not run in the direction proposed by the law of Congress. While a road from McGregor to St. Paul is a most commendable enterprise, and merits, as it receives, the gratitude of Northern Iowa, a sense of geographical propriety forbids us to harbor the idea that such a road coincides with the 43d parallel or secures the object intended in the land grant.

The company, then, which was the beneficiary of the grant, having failed to execute in good faith the trust reposed in them, I deem it the early duty of the State to resume it and hold it for the benefit of some corporation which will undertake and prosecute the work, in accordance with the letter of the law, to its early and final completion.

Whatever may be the authority of the State over railroad corporations already formed and grants already ceded, it is plain that in the disposition of those which may hereafter revert to the State regulations may be imposed for the protection of the interests of the people against the impositions of monopoly. Fully conscious of the danger of establishing any restrictions tending to discourage these valuable enterprises, I am nevertheless persuaded to recommend the insertion of a clause in every future grant prohibiting discriminations in the arrangement of freight tariffs and fares in this State. While the people demand railroads they also demand just and equitable rates of transportation. Reason would seem to indicate that the expense of transportation should be *pro rata*. With some modifications of this rule in the case of short transfers, it could work no injustice, for it would simply subject railway companies to the same law of compensation which prevails in all other avenues of labor.

SCHOOL FUND.

The guardianship of this important interest has become a matter of the gravest concern. The necessity for legislative action upon the subject is amply demonstrated by the facts presented in the last report of the Auditor of State, a necessity to which my predecessor has already called your attention. It is with the deepest regret that I have seen the income of this invaluable fund wasted away under the injudicious management or criminal neglect of the authorities having it in charge.

The State is the national guardian of this fund. In the highest sense it is responsible for its preservation, and under the immediate control of the State it should be placed.

To this end I would recommend the passage of an act to secure its return to the State Treasury, and its subsequent investment in registered bonds of the State bearing 10 per cent interest, thus establishing its safety upon a basis as certain as the credit of Iowa.

INSURANCE.

The inadequacy of our present insurance law to secure the essential condition of safety and protection to the insured has become a subject of merited discussion. The State is bound to frame its legislation for the control of these corporations in such a way as to exclude from our midst, as far as possible, every company which has not the capital and honest efficient management entitling them to the confidence and patronage of the public. The apprehension that such companies do exist, form sufficient grounds for legislation upon the question.

While our law demands satisfactory guarantees from foreign corporations, doing business in the State, it contains very inadequate provisions for securing the solvency and reliability of domestic companies. The inevitable consequence of this is a distrust of such companies, and a diversion of capital from our State, as estimated by the Auditor, to the annual amount of half a million of dollars, which might and ought to be retained at home and made to concontribute to the upbuilding of our commonwealth.

That we have reliable companies whose insurance affords security to the property of the people, is the result of individual honesty rather than the wisdom of the law. But even these fail to receive the patronage proportionate to their merits, because the public has no means of assuring itself of their reliability. Subjected to suspicion by the known incompetency of other companies doing business by their side, which are clothed with equal authority from the State, they are totally unable to compete with the corporations of other States, which are allowed to do business within our limits, only upon compliance with stringent conditions.

I would therefore recommend the enactment of a law requiring that every insurance company organized in the State shall possess a *bona fide* capital, at least one-fourth of which shall be invested in State or Government bonds, and deposited with the State Treasurer. As a still further guarantee of their reliability, I would recommend that it be provided that insurance commissioners be appointed or elected at each session of the Assembly, who shall be required to make an annual examination of the financial condition of every company in the State, and report the result of their examination. In like manner named as banks under our general law, and insurance companies in many other States, they should be required to publish a periodical exhibit of their transactions. Provisions should also be made for the abatement by summary process, of every company failing to comply with the requirements of the law.

In my opinion a statute embodying substantially these features would not only tend to retain within the State large sums which go to swell the accumulations of foreign corporations, but would create home institutions worthy of confidence, and promote the interests both of insurer and insured.

CLAIMS OF IOWA SOLDIERS.

It is well known that there is much complaint of the delays in the departments at Washington in the settlement of claims for amounts due our soldiers. Our people should remember, however, that delays are inevitable, when we consider not only the vast amount of claims, but also the necessity for examining a large mass of papers which had accumulated during the war. If, in your opinion, after a consideration of the subject, there should be any necessity for the appointment of an agent resident at Washington, I shall be happy to approve your action.

RIGHTS OF FOREIGN BORN AMERICAN CITIZENS.

The rights of American citizens of foreign birth are awakening a deep interest in Congress and the country. It is unfortunate that international law has never conclusively settled the question of expatriation and placed it within the jurisdiction of established rules. The policy of our government, however, has been uniform in recognizing the right of the citizen to transfer his allegiance. The logical consequence of this theory is the protection of every man who has sought a home among us, and been invested with the prerogatives of American citizenship.

Our population has a large element of foreign nativity. Among our best and worthiest citizens are to be classed those whose presence has been secured to us by the oppression of the Old World. Becoming domesticated among us, after a brief period of probation, sharing in all our political rights and privileges, we know no distinction arising from the accident of birth in another land. Nor do they share in our privileges alone, for the responsibilities which the Republic imposes upon her sons, rest with equal weight upon all citizens, and these responsibilities, in the darkest hours of the Republic, have been sustained by none more gallantly and devotedly than by our adopted fellow citizens.

Common justice would seem to insist that the protection of the government should be equal over all its people. And while the strong arm of the nation would be raised to resent with armed force, if need be, any restraint of liberty suffered by an American born, it is a shameful inconsistency which allows indignities and dishonor to be imposed with impunity upon citizens of foreign birth.

I desire, therefore, to call attention to the laxity with which the general government has hitherto regarded infractions upon the rights of this class of our people. Accordingly I would suggest the propriety of memorializing Congress to take speedy and definite action for their protection.

The very able and exhaustive message of my predecessor has left little necessity for a further consideration of the work before you. I can not forbear, however, to urge the importance of legislative action upon the subject of Reform Schools and the erection of a new State House. And whatever provisions may be made in the latter case, let the work be guarded so thoroughly against the danger of fraud and misapplication of the public funds, as not only to protect the State, but also the individuals who may have the work in hand from groundless suspicions.

I have the honor to submit herewith an appendix to the Report of the Register of the Land Office. S. MERRILL.

TO THE SENATE

JANUARY 27, 1868

From MS. Copy of Executive Journal, Vol. III, p. 556—in the Office of the Governor, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 27, 1868.

Gentlemen of the Senate:

I have the honor to transmit herewith the Report of the State Geologist; also the scrap-books containing his published letters and those of his assistant.[1]

SAMUEL MERRILL.

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[1] For the First and Second Annual Reports of the State Geologist see Iowa Legislative Documents for 1868, Vol. II.

TO THE SENATE

JANUARY 29, 1868

From MS. Copy of Executive Journal, Vol. III, p. 556—in the Office of the Governor, Des Moines

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Gentlemen of the Senate:

In reply to a resolution of your Honorable Body calling for information from the Executive, with regard to the McGregor Western Railroad Company, I have the honor to submit,

1st. The opinion of Attorney-General O'Connor to the effect that the said Company have accepted a grant of land made to the State of Iowa by an act of Congress entitled "An act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State."

The facts upon which said opinion is based are cited in the written opinion herewith transmitted.

2d. That such acceptance was made by the filing of a map in this office, showing the proposed route by which said road was to run.

This map was forwarded to the Department of the Interior, at Washington, D. C., and the lands contemplated in the act of Congress before alluded to, were in accordance therewith withdrawn from the market.

We have no record or documents in this office, and none can be found in the office of the Secretary of State to show that a written acceptance under seal has ever been deposited with the authorities of the State. The further question involved in your resolution, viz.: "What if anything has said Company done toward a compliance with the terms of said grant?" is one to which allusion was made in my special message recently addressed to the Honorable Assembly.

Whatever I might say in addition thereto, would be merely the expression of individual opinion and entirely without the presence of this opinion.

SAMUEL MERRILL.

TO THE SENATE

FEBRUARY 5, 1868

From the Journal of the Senate, p. 148

Gentlemen of the Senate:

In reply to a resolution of your Honorable Body, of February 1st, asking for information;

1st. Whether the Des Moines Valley Railroad Company has filed with the Secretary of State an acceptance of land grant agreeable to act of General Assembly of March 28, 1864.

2d. Whether a bond has been filed with the Secretary of State agreeable to section 9, chapter 108, Acts Tenth General Assembly, and

3d. If said railroad company has paid one claim allowed against the Des Moines River Improvement Company, as required by section 12, chapter 108, of Acts Tenth General Assembly.

I have the honor to report that the Des Moines Valley Railroad Company has filed with the Secretary of State an acceptance of the land grant, agreeable to act of March 28th, 1864, but that said company has not filed a bond with the Secretary of State, nor has said company paid any part of the claim allowed against the Des Moines River Improvement Company, as required by section 12, chapter 108, of Acts Tenth General Assembly.

SAMUEL MERRILL.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1868

From MS. Copy of Executive Journal, Vol. III, p. 571—in the Office of the Governor, Des Moines

Gentlemen of the House of Representatives:

In answer to your resolution of Feb'y. 12, 1868, requesting that the Governor inform your honorable body, "What steps have been taken to obtain payment from the United States of the claims of *Clinton County*, and of the claims of the *Cities* of *Clinton* and *Lyons* and of any other cities and counties which have been filed in the office of the *Governor* by the *Board* of *Commissioners* in pursuance of Section 7 Chapter 129, Laws of the *Ninth General Assembly.* I have the honor to state that there are no records in this Department indicating that any action has been taken under the provisions of the aforesaid law; nor are any papers on file in the office which furnish any information upon the subject of your inquiry.

Signed SAMUEL MERRILL.

TO THE SENATE

February 29, 1868

From the Journal of the Senate, p. 205

State of Iowa, Executive Department,
Des Moines, February 29, 1868.

Gentlemen of the Senate:

I herewith submit to your Honorable Body a communication from the Governor of Wisconsin, and accompanying memorial from the legislature of the same State.

Samuel Merrill.

State of Wisconsin, Executive Department,
Madison, February 10, 1868.

To His Excellency, Hon. Samuel Merrill, *Governor of Iowa, Sir:*

I am advised that General Warren holds to the opinion that it is entirely practicable to connect the Mississippi river and Lake Michigan by a navigable channel through the Wisconsin and Fox rivers.

It is claimed by those who have given attention to the subject, that a low water channel of quite or nearly four feet can be had at a cost comparatively inexpensive. Should the depth require six, nine or more feet it is thought the cost would more nearly approximate to the cost of proposed channels of like depths elsewhere.

While the channel must be made ultimately of the greater depth and sufficient for military purposes, yet a temporary channel of four feet would give a great relief to commerce.

Such is the size of the locks on the completed portions of the work, and the quantity of water in the Wisconsin and Fox rivers, that boats, flat-bottomed, and much larger than any on the Erie canal can make the passage; and it is hoped by the parties referred to that a low water channel of four feet will have capacity for commerce little less than the Erie canal. In this view, I suggest that brief memorials be prepared and passed, urging upon Congress at its sessian an appropriation more or less great. Should the Legislature of Minnesota and Iowa unite with Wisconsin in urging this, it is hoped that Congress at its present session may make a beginning which shall guarantee the ultimate completion of the work.

I enclose copies of a memorial passed by the Wisconsin Legislature of 1867, and of one to be submitted to the present Legislature; possibly they may be of use in the preparation of a memorial for your State (if one should be required.)

Respectfully, your obedient servant,

LUCIUS FAIRCHILD.

TO THE SENATE

MARCH 4, 1868

From the Journal of the Senate, p. 240

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 4, 1868.

Gentlemen of the Senate:

I herewith submit to your Honorable Body a communication from the Governor of Illinois, accompanying a report of the trustees of the Lincoln monument Association.

SAMUEL MERRILL.

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
SPRINGFIELD, February 13, 1868.

To His Excellency, Governor of Iowa:

Sir:—Under a resolution of the Board of Directors of the National Lincoln Monument Association, I have the honor to address your Excellency, and beg leave most respectfully to state that although we have now on hand and invested in national securities, the sum of eighty-five thousand dollars ($85,000), and the additional sum (subject to our order) of fifty thousand dollars ($50,000), appropriated by the Legislature of the State of Illinois, a total in available means of one hundred and thirty-five thousand dollars ($135,000), to be used in erecting a monument over the remains of the lamented Abraham Lincoln, late President of the United States. Considering the serious responsibility imposed upon us of erecting a suitable monument over the grave of this great man whose name has become national and historic; the deeds of whose administration are interwoven with the startling and imposing events of the four years of national calamity and civil war; by so many venerated as the Statesman and Patriot, I take the liberty under the authority of the Board of Directors, and the solemn dignity of the subject, to call your attention to the subject matter of this communication, and to most respectfully request your assistance and good offices in our behalf.

May we request that you will call the attention of the Legislature of your State to the whole subject, and to recommend an appropriation to aid in the building of the monument.

It may not be necessary that the amount appropriated shall be paid to us this year; we only wish to be assured that we shall feel confident we are to have the necessary means before the plan shall be adopted.

I shall be most happy to hear from you on this subject, at your convenience. A similar letter has been addressed to the Governors of other States.

I am, most respectfully, your obedient servant,

R. J. Oglesby, Governor of Illinois,
and President of Association.

TO THE SENATE

MARCH 23, 1868

From the Iowa Legislative Documents for 1868, Vol. II

EXECUTIVE OFFICE, Mar. 23.

Gentlemen of the Senate:

In reply to your Resolution March 18th, inquiring "whether the Cedar Rapids and Missouri River Railroad has accepted of the grant made to said company by Chapter 37 of the Acts of the Eighth General Assembly, as required by said Acts," I have the honor to state that a formal, written acceptance, signed by the President and Secretary of said corporation, with the corporate seal affixed, was deposited with the Secretary of State, in compliance with the terms of the Act conferring the grant.

The second inquiry of your Resolution, "what portion of said road has been constructed within the limits of said land-grant," appeals to facts which are not in the possession of this office. The map which was filed in the office of the Secretary of State, bears the date of December 26th, 1862; being a map of the original line, and no map of the modified line, indicating the present route of the road, has been deposited by the Company. Accordingly, I am unable to give any authoritative answer to this branch of your inquiry.

The amount of lands originally included within the grant made to the State for the use of the Cedar Rapids and Missouri River Railroad, was 775,717.67 acres. These were the lands which were embraced within the limit of fifteen miles on either side of the line of that road. By an Act of Congress, approved June 2d, 1864, an additional grant was made, conditional upon the impossibility of finding the amount of land first granted within the proposed limits. The Commissioner of the General Land Office estimates the amount of land to enure to the Company, under this Act, at 123,370 acres. The same officer also estimates the *whole* amount of lands enuring to the Company, under all grants, embracing some lands which may or may not vest in the Company, a part of the lands being claimed under other grants, and the title being yet indeterminate, at 1,298,739 acres.

Information received from the Secretary of the Interior indicates that maps of the main line, and of the branch from the main line, to Onawa, have been filed in his department. The modified line leaves the line, originally proposed, at Cedar Rapids. The branch alluded to, leaves the main line in Section 15, Township 78, Range 44, in Harrison county.

S. Merrill.

TO THE SENATE

March 24, 1868

From the Iowa Legislative Documents for 1868, Vol. II

Executive Office, March 24, 1868.

Gentlemen of the Senate:

I have the honor to transmit herewith the report of J. A. Harvey, who was constituted Commissioner by chapter seventy-nine, laws of the Eleventh General Assembly, to adjust with the general government certain questions relating to the public lands. The success which has attended his connection with this responsible duty entitles him to great credit, and suggests the propriety of continuing him in the position until all the claims founded upon this class of interests have been liquidated. With the land interests of the State he is thoroughly conversant, and the experience he has acquired in effecting the settlement he now reports, would afford the hope of greater results from his labors than from those of any man who has not this experience. But unless a larger remuneration be accorded him, it will be impossible for the State to avail itself of his services. Appointed while Register of the State Land Office, and in receipt of a salary from that position, it seems to have been overlooked that the compensation for this additional duty to which he was assigned would be insufficient when his salary as Register ceased. That it is totally inadequate to the abilities required, and to the valuable experience which Mr. Harvey brings to the work is plainly apparent. I would, therefore, recommend that a more just and liberal compensation be paid him than that now established by law.

It is very desirable that the matters which have been intrusted to Mr. Harvey should be brought to a conclusion. These lands, the equitable property of the counties, should be secured to them. The probability of effecting a settlement and obtaining for the counties their just claims is far greater with an agent of the State, duly accredited and clothed with the proper authority, than it would be if left to the several counties, or agents, by them appointed. In the latter case many of these claims must be abandoned as beyond the hope of recovery.[1]

SAMUEL MERRILL, Governor.

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[1] For the text of J. A. Harvey's Report see Iowa Legislative Documents for 1868, Vol. II.

TO THE SENATE

MARCH 31, 1868

From the Journal of the Senate, p. 436

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 31, 1868.

Gentlemen of the Senate:

On the 27th instant there was filed in the office of the Secretary of State, by the Chicago, Rock Island and Pacific Railroad Company, a written acceptance (a copy of which is herewith transmitted) of the provisions of the act of the present General Assembly, entitled an act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad.

I respectfully submit to your consideration the propriety of the Attorney-General being instructed by the General Assembly to take such action as the interests of the State may require, to secure a prompt and faithful compliance with the conditions and requirements of the said act.

S. MERRILL, Governor.

TO THE GENERAL ASSEMBLY

APRIL 3, 1868

From the Iowa Legislative Documents for 1868, Vol. II

EXECUTIVE OFFICE, April 3, 1868.

Gentlemen of the Assembly:

In my special message of January 24, the consideration of the subject of railroads led me to say: "The development of our agricultural and mineral resources is largely affected by the completeness and extent of our facilities for transportation. This fact renders it imperative that the State pursue a liberal and even generous policy in dealing with this class of corporations.... Whatever may be the authority of the State over railroad corporations already formed and grants already ceded, it is plain that in the disposition of those which may hereafter revert to the State, regulations may be imposed for the protection of the interests of the people against the impositions of monopoly. Fully conscious of the danger of establishing any restrictions tending to discourage these valuable enterprises, I am nevertheless persuaded to recommend the insertion of a clause in every future grant, prohibiting discriminations in the arrangement of freight tariffs and fares in this State."

Still holding the sentiments therein expressed, and believing that in many instances the great and substantial advantages the people have a right to expect from these corporations have been impaired by the inequitable means they have sometimes adopted for raising their revenues, I am, nevertheless, opposed to the adoption of the principle of absolutely fixing the tariff. Any construction of my words into a recommendation of this is a mistaken one. The principle is not only an injudicious one, but in the youth of our State, when its development is so largly dependent upon the extent of its facilities for communication an impolitic one. We can not afford to do anything which will intimidate capital and prevent its investment in this enterprise. The present General Assembly has asserted the power of the State to regulate tariffs and prevent discrimination in all acts conferring franchises upon railroad corporations. The provisions adopted in them all have been very nearly the same in spirit and terms, as the ones upon the same subject embraced in the general railroad law of New York.

We have gone no farther, however, than to declare the power to regulate tariffs, failing to indicate how far the power will be exercised, and imposing no limitation upon what might, under certain circumstances, become a dangerous prerogative. Not only as a matter of justice, but also to quiet any apprehensions that the State is disposed to deal harshly with this interest, and thus prevent the investment of capital in the State, and delay the progress to which we look forward so hopefully, I would recommend the adoption of the remaining clause in the New York law, which declares that the rule imposing tariff restrictions shall be inoperative until the receipts of the road equal ten per cent. upon the actual cost of construction. This would give capital an assurance of what is now the evident purpose of the State, to do nothing to discourage these enterprises, nor even to interfere with them in such a way as to deprive the capital invested of a fair and reasonable compensation for its use. While we insist that we have the right to abolish odious discriminations and abuses, let us not at the same time place ourselves in a position of exacting everything and giving nothing in return.

The enactment of such a provision as I have recommended would not interfere, I think, with your purpose of preventing discrimination, and would also give such assurance as will secure the speedy completion of our railroad system.

OUR CLAIMS AT WASHINGTON.

Great satisfaction has been felt at the success which has attended the prosecution of our claim against the General Government, and greater hopes are entertained for the recovery of those which are still outstanding than the real facts justify. If secured at all, it will only be with earnest effort and good management. The consequence of allowing our agent an insufficient compensation will probably be to secure the most easily obtainable claims and abandon the remainder. In this way I fear that considerable sums to which the State is fairly entitled, and which ought to be secured to relieve the burdens of taxation and contribute to the prosperity of our institutions, will be sacrificed to the policy of attempting too rigid an economy in the payment of this officer. No man can undertake to secure these claims with so great a hope of success as Colonel Dewey; but it will be unable for us to retain his services without giving him a more liberal remuneration than that which he has hitherto received or that which it has been proposed to pay him. I am persuaded that greater liberality in this particular, will be the best economy for the State. The interest alone upon this claim, if its payment is delayed a single year, is more than sufficient to pay twice the largest amount proposed by any one as compensation for prosecuting it.

SOLDIERS' ORPHANS.

The State has provided institutions for these deserving beneficiaries. But I cannot think that our duty to them ceases with this. Accordingly I recommend legislative action empowering the officers of these institutions, in certain approved cases, to pay the mothers of these children the sum which is the estimated cost of their support at the Homes, and allow them to remain under her care. The reason for this is apparent. While in many, perhaps the majority, of cases, better care and greater advantages are afforded by the public institutions, there are certainly instances in which the same could be secured in a higher degree under the combined influences of both duty and affection. It seems unnecessary severity, when the mother is anxious to take charge of her children, and is peculiarly unable to do so, to add to the misfortunes already experienced, the sorrow that must be incident to a sundering of family ties. For this reason, therefore, I recommend the adoption of this measure, knowing that it involves no additional expense to the State, and that it will tend to mitigate much unnecessary suffering.

SAMUEL MERRILL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 27, 1870

From the Iowa Legislative Documents for 1870, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 27, 1870.

Gentlemen of the Senate and House of Representatives:

In compliance with the requirements of the constitution, I herewith submit a report of reprieves, pardons, and commutations granted, with the reasons therefor during the term of two years, beginning January 16th, 1868, and ending January 12th, 1870; as also a list of remissions of fines and forfeitures, with amounts remitted during the same time.[1]

[SAMUEL MERRILL]

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 31, 1870

From the Iowa Legislative Documents for 1870, Vol. II.

EXECUTIVE OFFICE, DES MOINES, January 31, 1870.

Gentlemen of the Senate and House of Representatives:

In accordance with a request made to the Governors of the several States, with reference to a convention summoned to meet at St. Louis, on the twentieth and twenty-first days of October last, I appointed four delegates from the State at large, and two delegates from each congressional district, to attend that convention. I have the honor to transmit herewith a brief report of that delegation made through its chairman, ex-Governor Ralph P. Lowe.

The convention was called to consider "the expediency of removing the capital of the United States to some point in the Valley of the Mississippi." The people of Iowa have as much interest in this question as those of any other of the States, which have now become, by the progress of territorial acquisition and of population, the central States of this Union. While the center of national territory lies west of the Missouri river, and there is no probability that future acquisitions, on the north or on the south, will ever carry it east of our western State border, the center of population is rapidly approaching the Mississippi from the east, and will be and remain permanently in the vicinity of that river, although there is no present probability that it will ever pass to the westward of that stream. Lying between these two points, there is no commonwealth in the land, the people of which can have a greater interest than those of Iowa in the permanent location of the national capital.

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[1] For the list of Reprieves, Pardons, Commutations, etc., see Iowa Legislative Documents for 1870, Vol. II.

In this great valley, the center of population, of political and industrial power, and eventually of wealth, will certainly be. It is steadily moving thitherward. Twenty years hence, and probably forever thereafter, the heart of the nation will be not far east of the southeastern corner of Iowa.

Every consideration of the fitness of things, the equitable and just convenience of the different parts of the country, the benefit of communities the distance of which from the capital is now so remote and burdensome, the economy of time and expense in the transaction of public business, the military safety of the national property and archives, all point to a removal at no distant day.

The seat of government, once established here, would be surrounded, in the language of the resolutions of the Capital Removal Convention, "by numerous millions of brave and union-loving citizens, would be forever safe against foreign foes or sectional seditions, and would need neither armaments nor standing armies for its protection."

The question is a national, not a sectional one. The citizens of New England, of the old Middle States, and of the whole South, have an equal interest with those of the central valley, and of the Pacific coast, and of the new territories of the mountain interior, soon to become States, in the placing of the national capital where it will forever meet the wants, and unite the interests and deliberate convictions of all.

Our nation is one, made so by the Declaration of Independence and the war of the Revolution, organized as such by the federal constitution, and forever established as such by the war of the Rebellion. To strengthen this oneness we should harmonize, as much as possible, all geographical interests, and remove every cause which might lead, however remotely, to sectional divisions. The location of the capital, far from the center of the nation, indeed at one extremity of the country, has a tendency, I fear, to create a feeling that the more distant States and territories are regarded rather as dependencies of the government, than as integral parts of the nation. Locate the capital centrally, and no matter how extensive the boundaries of the republic, each section would feel that it had an equal part in the government, equally participating in its benefits, and sharing equally in its responsibilities. This valley, too, it should not be forgotten, will furnish the proper point for a central capital, even though our republic should be extended over the whole continent of North America.

Local interests, and the anticipated cost of new buildings, obstruct now the accomplishment of this object. The former should, of course, have no weight whatever. The cost of new structures, greater than that of all now belonging to the government, must in time be incurred, and would be no greater at the new capital. It is expected that some one of the States in the valley of the Mississippi will offer the nation a suitable and ample piece of territory in place of the present District of Columbia. I cannot doubt that the proceeds of such a gift, properly managed, would fully defray all expenses incurred by the removal.

It would seem to be the clear duty of our representatives in Congress to decline to vote for further expenditures for the national buildings at the present capital.

Without suggesting how the legislature of Iowa shall express its judgment and that of the people of the State, I content myself with calling your attention to the subject.

SAMUEL MERRILL.

REPORT.

KEOKUK, IOWA, Jan. 14, 1870.

His Excellency, Gov. Merrill:

As chairman of the delegation which you were pleased to appoint to attend the National Capital Convention, held at St. Louis, on the 20th of October last, I have the honor to report that a goodly number of the delegates thus appointed by your excellency attended said Convention, heartily participated in its proceedings, and without a dissenting voice fully concurred in the preamble and resolutions hereto appended, which were adopted, and constituted the substance of the action of the convention.

It may be proper to add that the States of the West and Southwest, including those of the Pacific slope were all, or nearly all, represented in said convention; that their action in the premises was marked with wonderful unanimity and with that earnestness of conviction which would seem to take no denial in the final consummation of the measure. Your delegates, so far as they lawfully could do so, have committed their State to the policy of removing the seat of the national government to the Mississippi valley—a measure of very great importance to the people of the West; and they would rejoice to know that their personal pledges upon the subject, should be supported by the more authoritative expression of the General Assembly of their State in the same direction.

Most respectfully,

R. P. Lowe, Chairman, &c.

RESOLUTIONS OF THE CONVENTION.

Whereas, The present site of the national capital was selected as the most central point, when the people of this republic, only a few millions in numbers, inhabited only a narrow strip of country along the Atlantic coast; and,

Whereas, The population of this republic has increased thirteen fold since then, and spread over a vast continent, of which the States in existence when the seat of government was located, form only the eastern edge; and,

Whereas, The present location of the national capital is notoriously inconvenient in times of peace, as the darkest pages of our national history demonstrate, in times of war or domestic turbulence is so dangerously exposed as to require vast armaments and untold millions of money for its special defense; and,

Whereas, All the reasons which caused the location of the seat of government where it now is, have, by the enormous development of the country, and a corresponding change in the wants of the people, become utterly obsolete; therefore,

1. *Resolved*, That it is absurd to suppose that the handful of inhabitants in 1789, just emerging from colonial vassalage, before steamboats, railways, telegraphs, or power-presses were dreamed of, or a mile of turnpike or canal constructed, possessed the authority or desired to exercise the power of fixing the site of the capital forever,

on the banks of the Potomac, against the will and interests of the hundreds of millions who might come after them.

2. That the people have endured the present illy-located capital for three-quarters of a century, patiently waiting for the western territory of the Union to be peopled and organized into States, and until the center of population, area, and wealth could be determined, when a permanent place of residence for the government could be selected. That time has now come. All sectional issues are settled; all dangerous domestic variance disposed of; a new era has been entered upon, and a new departure taken.

3. That in the language of James Madison, in the Congress of 1789, "an equal attention to the rights of the community, is the basis of republics. If we consider the effects of legislative power on the aggregate community, we must feel equal inducement to look to the center in order to find the proper seat of government." This equal attention has not been and cannot be given to the interests and rights of the people, so long as the capital is located in an inconvenient section of the Union.

4. That the vast and fertile region known as the Mississippi Valley, must for all time be the seat of empire of this continent, and exert the controlling influence in the nation, because it is homogeneous in its interests, and too powerful even to permit the outlying States to sever their connection with the Union. This vast plain will always be the surplus food and fiber-producing portion of the continent and the great market for the fine fabrics and tropical productions of the other sections of the republic. This immense basin must have numerous outlets and channels of cheap and swift communication by water and rail with the seaboard, for the egress of its products and the ingress of its exchanges. Therefore, whatever policy the government may pursue that tends to multiply, improve, or enlarge those arteries of commerce, must result in common advantage to the whole Union—to the seaboard States equally with those of the center.

5. That the natural, convenient, and inevitable place for the

capital of the republic is in the heart of this valley; where the center of population, wealth, and power is irresistibly gravitating; where the government, surrounded by numerous millions of brave and Union-loving citizens, would be forever safe against foreign foes or sectional seditions, and where it would need neither armaments nor standing armies for its protection.

6. That while advocating the removal of the seat of government to the Mississippi Valley, we do not mean to serve the interests of any particular locality, but that we urge Congress to appoint a commission for the purpose of selecting a convenient site for the national capital in this great valley of the Mississippi, pledging ourselves to be satisfied with and to abide by the decision to be arrived at by the national legislature.

7. That in urging the removal of the national capital from its present inconvenient, out-of-the-way, and exposed location in the far East we are in earnest, and that we shall not cease in our efforts until that end is accomplished, firmly believing that the absolute necessity for the removal will become more apparent every day, and the majority of the American people will not long permit their interests and convenience to be disregarded.

8. That the removal of the national capital being only a question of time, we emphatically oppose and condemn all expenditures of money for enlargement of government buildings, and the erection of new ones at the present seat of the national Government, as a useless and wanton waste of the property of the people.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1870

From Pamphlet Edition of Message in the Library of the State Historical Society, Iowa City

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EXECUTIVE OFFICE, February 9th, 1870

Gentlemen of the Senate and House of Representatives:

As suggested in my message to the General Assembly, at the opening of the session, and in compliance with the resolution adopted by the Senate on the 1st instant, asking for further facts and suggestions in relation to the Wisconsin and Fox River improvements, I have the honor to submit to the General Assembly a brief statement of facts connected with the agitation of this measure, so full of importance to the interests of the northwestern States.

On the 2d of October, 1868, at the request of a meeting held a short time previously at Oshkosh, Wisconsin, representing many of the towns along the line of the proposed improvement, the Governors of Minnesota, Missouri, and Iowa united with the Governor of Wisconsin in a call for a convention, to be held at Prairie du Chien, on the 10th of November, 1868, for the purpose of maturing "measures to impress upon Congress the necessity of making immediate and sufficient appropriations to secure the improvement of the Fox and Wisconsin rivers."

This call was responded to by the attendance at such convention of over one hundred delegates from the States of Minnesota, Wisconsin, Missouri, New York, Massachusetts, and Iowa. This convention, which was very earnest and harmonious in its deliberations, was deeply impressed with the urgent necessity that exists for the accomplishment of the improvement. A committee was instructed to prepare a memorial to Congress, setting forth the material facts embraced in a report on statistics that had been presented to the convention. This memorial, carefully prepared, was printed, in due time, in pamphlet form, copies whereof are herewith presented to your honorable body.

This convention was reassembled at Portage City, Wisconsin, on the 20th of October last, pursuant to call; at which meeting, with entire unanimity, the memorial prepared by the committee was adopted. A draft of a memorial to be presented to Congress by the legislatures of the several States was also adopted. A copy of this draft I have the honor to submit herewith.

The Wisconsin river, having its rise in the northern part of the State of Wisconsin, runs southerly until it approaches the Fox river, then turns abruptly southwesterly, and, running in that course one hundred and eighteen miles, empties into the Mississippi at Prairie du Chien. The Fox river, having its rise in the southern part of Wisconsin, runs northwesterly until it approaches the Wisconsin river, then turns abruptly northeasterly, and running in that course one hundred and sixty miles empties into Lake Michigan at Green Bay.

The course of the two rivers below the portage, the point of nearest approach, is surprisingly straight, and nearly upon a due line passing through Prairie du Chien and the straits of Mackinaw. The divide, or portage, separating the Wisconsin river waters, putting into the Gulf of Mexico, from the Fox river waters putting into the St. Lawrence, is a level sand prairie, without rocks and in width one and one-half miles. The Wisconsin, at the portage, is at the summit level. It is about seven feet higher than the Fox at the portage, about two hundred feet higher than Lake Michigan at the mouth of the Fox, and one hundred and sixty-nine feet higher than the Mississippi at the mouth of the Wisconsin.

Already a canal at the portage connects the Wisconsin and the Fox, and a slack-water communication, extending from the portage to Green Bay, a distance of one hundred and sixty miles, overcomes by locks and dams the fall of two hundred feet, and connects the Wisconsin river with Lake Michigan. The Fox river, from its mouth to Oshkosh, on Lake Winnebago, has a low water channel of about four feet, and, from Lake Winnebago to the portage, of about three feet. At stages of high water, boats of three, four, and even five feet draft have passed from Lake Michigan up the Fox river, and down the Wisconsin into the Mississippi river. As late in the season as June, boats of three hundred tons burden have made the passage. In stage of *low* water the Wisconsin cannot be navigated on account of the drifting sand.

It is proposed that the general government be urged to improve the navigation of the Wisconsin river from its mouth to the portage, so that boats of five feet draft may pass with facility in the lowest stage of water.

The works of improvement now in operation upon said rivers are owned by the Green Bay and Mississippi Canal Company and chiefly extend from the portage to the mouth of the Fox.

This company will make the navigation of the Fox river as good as the government will make the Wisconsin, *so that the project is narrowed down to the improvement of one hundred and eighteen miles of river navigation*—an improvement, the course and nature of which are best shown by the accompanying map.

THE COST.

The cost of the work has been ascertained. Under instructions from the engineer department of the government, issued in July, 1866, Major General G. K. Warren took charge of the survey of various rivers, including the Wisconsin.

In his report to the department, of October, 1868, published with the report of the Secretary of War, for 1869, (Message and accompanying documents, Ex. Doc. 1, Pt. 2, p. 360,) I find estimates for three plans of improving the Wisconsin river, which in substance are as follows, to-wit: That a low water channel in the river, of three feet depth, can be had for less than $500,000; that a low water channel, of four feet depth, partly in the river but chiefly a steamboat canal, paved at the sides, wider at the bottom by fourteen feet than the Erie canal, can be had for little over $3,000,000, and that a like channel of five feet depth, all canal, can be had for a little over $4,000,000.

THE SAVING.

Will the saving justify the expenditure?

It is believed that, with this improvement completed, the cost of transportation will not exceed per ton, per mile, one-fourth of the same by rail. At seven mills per ton, (fully an average by river,) the cost from Prairie du Chien to Green Bay, 278 miles amounts to $1.95 per ton. The average distance from the Mississippi to Milwaukee, or the head of Lake Michigan, by rail, is 170 miles, and from the head to a point on Lake Michigan, opposite Green Bay, is 150 miles. The cost at thirty mills per ton, per mile, by rail, and three mills by lake, with trans-shipment at the Mississippi added, amounts to $6.21 per ton, making a saving by the water route of $4.26 per ton.

It is thought that the yearly crop is now sufficiently large to make the shipment eastward from points west of Lake Michigan not less than 50,000,000 bushels of wheat, with flour reduced to wheat, and of grain, including wheat, not less than 100,000,000 bushels.

The board of trade reports, for 1869, of only two of the ports upon Lake Michigan—Chicago and Milwaukee—show that the shipments east from these ports alone of wheat, and flour reduced to equivalent quantities of wheat, exceeded 50,000,000 bushels, and of grain, including wheat, exceeded 100,000,000 bushels.

This quantity in weight, estimating for the different kinds of grain, is about 2,500,000 tons, a saving upon this amount of $4.26 per ton, would amount to $10,650,000; or, upon the movement eastward of a single grain crop, to more than twice the estimated cost of the largest proposed improvement.

It may be said that all of this grain will not go by water. If by rail it must go at approximate water rates. It is equally a saving whether effected by light tolls or light rail rates.

This State will soon have for export, yearly, an average crop of 20,000,000 bushels of wheat, and 50,000,000 bushels of grain including wheat. Upon the movement of the crop of the State of Iowa alone, the saving each year therefore would be nearly sufficient to make the largest of the proposed improvements.

In exchange for grain, we will receive lumber, coal, iron, and merchandise. A proportionate reduction upon these freights would increase, and might double, the saving. Iowa could profitably undertake the work by itself. It can certainly bear its proportion of any assessment which the general government may make therefor.

The moneys advanced can be repaid from tolls. Should only one-fifth of the total shipments eastward go by water, with tolls levied not to exceed those on the Erie Canal, and which would little if any reduce the saving mentioned, it is estimated that after paying for repairs and management, there could remain a fund from which to make repayment of nearly a million of dollars per annum.

The hope for results so important to Iowa and the country, induces me to favor any reasonable expenditure of money necessary to their accomplishment. I therefore recommend you not only to memorialize Congress upon the subject, and earnestly urge that honorable body to undertake at once that great work, but also to make a small appropriation, under proper restrictions, for the purpose of defraying expenses of printing and diffusing information on the subject, and of pressing the measure upon the attention of Congress.

SAMUEL MERRILL

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

The memorial of the General Assembly of Iowa, respectfully represents:

That the project of connecting the Mississippi river and Lake Michigan by navigable channels through the Wisconsin and Fox rivers, appears to your memorialist to be one of great importance to the country, and that in the prayer of the memorial in relation thereto, submitted to Congress by the convention which met in Wisconsin, at Prairie du Chien, on the 10th day of November, A. D. 1868, and at Portage City, on the 20th day of October, A. D. 1869, your memorialist most fully concurs; be it therefore

Resolved by the Senate, the House of Representatives concurring, That the Governor be, and he is hereby authorized and requested, to affix his official signature hereto, and forward a copy of this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress of the United States.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

MARCH 28, 1870

From the Iowa Legislative Documents for 1870, Vol. II

To the Gentlemen of the Senate and House of Representatives:

I am constrained to call your attention to a subject, which seems to me worthy of your consideration, during your present session.

Having of late received numerous letters from citizens residing along the Des Moines Valley, in reference to the great hardship which will result to them from a late decision of the Supreme Court of the United States in relation to the Des Moines River Grant. And having consulted with other reliable parties, who confirm the statements of those letters, and also being somewhat familiar with the history of this case from personal knowledge, I take occasion to ask the attention of the General Assembly to the facts in relation thereto, in the hope that some plan may be devised to relieve these people from the great suffering which must come to them if they should be driven without any compensation from the farms they have cultivated for years, and upon which they have spent their all.

It is evident that the decision of the highest court in the nation in the case of Wm. B. Welles vs. Hannah Riley, lately announced against this pre-emption, settles the question that these pre-emptors can expect no relief from the court, and whatever they may obtain, for what, to most of them, comprises the accumulation of a life time of industry, must come from the mercy of a corporation and its grantees, or as a gratuity of the State or General Government.

In order to a clear understanding of this question, it may not be improper for me briefly to refer to the manner in which these titles, now determined to be worthless, were acquired. On the 8th day of August, A. D. 1846, Congress granted to the then territory of Iowa one moiety, in alternate sections, of the public lands in a strip of five miles in width on each side of the Des Moines river to be selected within said territory, to improve the navigation of the said river from its mouth to the Raccoon Fork. The State of Iowa, on the 9th day of January, A. D. 1847, by joint resolution of the General Assembly accepted the grant.

February 23, 1848, R. M. Young, Commissioner of the General Land Office, decided that the State was entitled to alternate sections of five miles in width along the whole extent of the river within the limits of Iowa. The decisions of the land department at Washington, in reference to the extent of the grant, from this time fluctuated with almost every change of affairs in that department until December, 1859, when the Supreme Court of the United States rendered a decision limiting the grant to the Raccoon Forks. Previous to this decision, and during the time in which the extent of the grant was undetermined and uncertain, a large number of settlers had gone upon these lands by the advice of the United States Land Officers and made valuable improvements with the avowed purpose of pre-empting as soon as the result should be finally determined. When this Supreme Court decision was announced, they went forward, proved up their pre-emptions, received certificates of payment, and finally obtained patents for their lands. Others went on and made pre-emptions up to July 12, 1862, when a confirmatory act of Congress was obtained, extending the grant of August 8, 1846, to the north line of the State. Now, this late decision of the Court, a copy of which I herewith transmit, deprives these pre-emptors of their title to these lands, and throws them upon the mercy of those who have prosecuted this suit to a successful issue. Instances are not wanting in our history where States, and even the United States, under circumstances like these have partially indemnified the victims of the errors of their own officers. That this is a case of that kind there can be no question. These men went upon the lands with the assurance of the Land Department at Washington that they were entitled so to do under the pre-emption laws of the United States.

According to the books of the Land Department at Washington City, as shown by Mr. Kelburnis' report on the adjustment of the river lands claims, under the act of July 12th, 1862, there is some 32,854 50-100 acres of this land upon which settlements have been made under the pre-emption laws, 18,860 73-100 of which has been patented and was in process of being patented, and 13,993 50-100 acres had been pre-empted prior to July 12th, 1862. Now I submit as the Government has been in fault in its decisions whereby these people have been deluded into pre-empting lands since decided to have been a reservation, that they should in some manner receive indemnification either from the State or General Government. Such indemnity could be made with almost no expense to the people of the whole country, while it would be of incalculable benefit to those pioneers, whose all is dependent upon the action of a government which cannot afford to be unjust to its citizens.

As to the manner in which this indemnity shall be made and provided for, whether by joint resolution memorializing Congress and pressing it upon the attention of Senators and Representatives, and earnestly asking justice for these people, or by some provisions through the agency of the State, I do not now advise, knowing that you will find some proper way to meet so just a claim. I only urge its importance as a matter of honor and justice to the government and because it appeals to the best principles of our humanity.

SAMUEL MERRILL.

MARCH 28th, 1870.

TO THE SENATE

April 5, 1870

From the Journal of the Senate, p. 459

Gentlemen of the Senate:

I have the honor to return to you House File No. 321, entitled an act empowering the Governor to release certain lands, &c., in accordance with your resolution of April 4th.

Samuel Merrill,
Governor.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

April 6, 1870

From the Journal of the Senate, p. 475

Gentlemen of the Senate and House of Representatives:

I have the honor to transmit herewith, a memorial from the special committee appointed by the Soldier's Reunion Committee, asking an appropriation of money to defray the expenses of a reunion of Iowa soldiers, to take place on the 1st and 2d days of June next.

The extreme desirability of the proposed reunion, the general feeling in its favor that appears to pervade the soldiery of Iowa, and the eminent propriety of the suggestion that the State should aid in gratifying the desires of those who did her so much honor on the field of battle, constrain me to unite with the memorialists, and to urge that the General Assembly make an appropriation to aid in defraying the expenses of the proposed reunion. It is proper to observe that the brilliant record made for Iowa by her citizen soldiery during the late war, unsurpassed by that which adorns the history of any other member of the Republic, has cost the State Treasury comparatively nothing. Other States paid large bounties to recruits, others again increased from their own resources the stipends of their volunteers, and since the close of the contest, many States have caused certificates of merit to be presented to their honorably discharged soldiers. It was not necessary that Iowa should offer any additional inducements for volunteers. Her citizens eagerly responded to the nation's calls, rapidly filling the quotas demanded by the government; and her veterans rest satisfied with the honorable discharges earned and received from their country.

Now that peace blesses all our land, and the principles for which the republic contended have just culminated in complete and final triumph, there is a peculiar felicity in the reunion of the veterans, yet in life, to grasp each others hands, to revive reminiscences of a glorious history, and to renew the bonds of fraternity, as well as for social enjoyment. As custodians of the people's moneys, we should be as careful in its expenditure as we are in the disposal of our private means, and allow of no undue prodigality; yet to my mind there is a happy propriety in the suggestion that the State lend its aid in making for the proposed assemblage of those to whom State and nation owe so much, the proper preparations, in order that their reunion may be attended with a success worthy of those who will participate.

SAMUEL MERRILL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

APRIL 11, 1870

From the Journal of the Senate, p. 533

Gentlemen of the Senate and House of Representatives:

In accordance with the requirements of section 23, of chapter 159, of the acts of the Twelfth General Assembly, I have the honor to submit herewith a statement of the amounts disbursed up to the thirty-first day of March, inclusive, appropriation made by section 2 of the same chapter, and section 27, of chapter 93, of the acts of the Eleventh General Assembly. Itemized vouchers for these expenditures are on file in the executive office, subject to inspection.

SAMUEL MERRILL, *Governor.*

EXPENDITURES FROM JANUARY 16, 1868, TO APRIL 1, 1870, OF THE GOVERNOR'S CONTINGENT FUND.

Date.	*To Whom Issued.*	*No. Voucher.*	*Object.*	*Amount.*
1868.				
Jan. 25	W. U. Telegraph Co.	1	Telegram to Muscatine	$ .90
31	W. E. W. Johnson	3	10 days' serv. in office as clerk	20.00
Feb. 29	S. H. Babcock	5	1 month's services in office	80.00
	Sundries	–	Visit to State University	3.75
April 1	S. H. Babcock	7	1 month's services in office	80.00
7	H. R. Baker	9	For copying	5.00
9	S. H. Babcock	10	For services to date	24.00
June 22	Sundries	11	Expenses to Council Bluffs	19.55
30	Sundries	12	Expenses to Orphans' Home	8.85
24	Sundries	13	Expenses to Davenport Soldiers' Orphans' Home	9.00
Aug. —	Sundries	14	Expenses to New York and Washington	80.25

Expenditures from January 16, 1868, to April 1, 1870, of the Governor's Contingent Fund.

Date.	*To Whom Issued.*	*No. Voucher.*	*Object.*	*Amount.*
Oct. 7	Sundries	15	Expenses to Council Bluffs, etc	18.75
31	W. U. Telegraph Co.	16	Telegram from Portland	4.65
July 2	Ensign & Son	17	For team	2.50
Nov. —	Sundries	18	Expenses to Prairie du Chien, etc.	22.80
—	Sundries	19	Expenses to Chicago, cost, etc	13.75
Dec. 1	W. H. Fleming, Depty Secretary of State	19½	Services as clerk in office 8 days.	25.00
10	Sundries	20	Expenses to Chicago, etc	29.25
Dec. 20	Sundries	21	Expenses to Chicago, and telegraphing	18.45
16	Dr. Townshend	22	Expenses to Springfield	63.00
1869.				
Jan. 18	Sykes & Chadwick	23	Expenses at Willard's Hotel, Washington	67.50
11	Sykes & Chadwick	24	Expenses at Willard's Hotel, Washington	60.38
4	Palmer & Ferrier	25	Expenses at Hotel, New York	32.25
18	General Vandever	26	Expenses at Washington, D.C.	60.00
Feb. 1	Sundries	27	Expenses at Washington, D.C.	100.87
1	Sundries	28	Expenses to Washington	56.45
Mar. 20	Sundries	29	Expenses to Washington	79.53
April 9	Sundries	30	Expenses to Orphans' Home	9.45
—	Jno. C. Merrill	31	Services in copying	35.95
25	Sundries	32	Expenses to Insane Asylum	8.00
29	Sundries	33	Expenses to Reform School	8.70
May 1	Sundries	34	Expenses to Penitentiary	10.05
18	Sundries	35	Expenses to Deaf and Dumb Asylum	16.40
June 11	Orwig & Co	36	1000 copies of Bulletin	10.00
20	Sundries	37	Expenses to Penitentiary of Wisconsin	18.75
July —	Atwood & Rublee	37	200 copies Gov. Fairchild's memorial	150.00
Aug. 14	McGregor News Print	39	Publishing proclamation of reward in Hagerty murder case	10.00

EXPENDITURES FROM JANUARY 16, 1868, TO APRIL 1, 1870, OF THE GOVERNOR'S CONTINGENT FUND.

Date.	*To Whom Issued.*	*No. Voucher.*	*Object.*	*Amount.*
Aug. 23	Wm. Loman	40	Publishing proclamation	14.00
31	A. S. Kissell	41	Expenses to Harrisburg, etc.	89.50
Sept. 4	Andrick & Richardson	42	Publication of proclamation	8.00
7	D. W. Shinn	43	Blind girls' fare to Vinton	15.00
14	Sundries	44	Expenses to Orphans' Home	15.00
18	Sundries	45	Expenses to Penitentiary	7.87
Oct. 30	Sundries	46	Expenses to Vinton	29.15
30	Sundries	47	Expenses to Cedar Falls	15.80
30	Sundries	48	Expenses to Portage City	26.75
30	Sundries	49	Expenses to New York	40.45
30	Sundries	50	Expenses to New York	87.07
Nov. 18	Sundries	51	Expenses to Orphans' Home	24.25
10	Sundries	52	Expenses to Dubuque, etc.	35.75
Dec. 29	Sundries	53	Expenses to Penitentiary	24.25
29	Sundries	54	Expenses to Penitentiary and Soldiers' Orphans' Home	19.70
1870.				
Feb. 14	Sundries	55	Expenses to New York and Washington	72.50
14	Crom. Bowen	56	Services as Governor's Clerk	202.00
28	Crom. Bowen	57	Services as Governor's Clerk	83.00
Mar. 31	Crom. Bowen	58	Services as Governor's Clerk	83.00
31	J. C. Merrill	59	Clerical services in October	9.00
31	Mrs. Washburn	60	Board of Clerk, December, 1869, and January, 1870	9.00
			Total	$2,174.57

TO THE COMMITTEE OF THE HOUSE OF REPRESENTATIVES

APRIL 30, 1870

From the Journal of the House of Representatives, p. 691

Gentlemen of the Committee:

I have nothing further to communicate to the General Assembly, except my acknowledgements for the kind and courteous treatment I have received at their hands, and the moral support they have rendered me in the performance of the responsible duties of my office.

Be pleased, also, to carry to the two Houses my wishes for the safe return of the members to their homes, and my hope and belief that the manner in which they have discharged the arduous duties of legislation, will receive the cordial approval of their constituents—the good people of the Commonwealth of Iowa.

SAMUEL MERRILL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 10, 1872

From the Iowa Legislative Documents for 1872, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, JANUARY 10, 1872.

Gentlemen of the Senate and House of Representatives:

Accompanying this communication, I transmit a report of the pardons granted during the past two years. Compared with the increase of crime, they are much less than in former years, and much less as compared with the comparative number in other States.

In exercising this high prerogative, I have endeavored under all circumstances to observe that caution and discretion contemplated in the constitution, and to impartially administer and extend its beneficent protection only when, in my judgment, the good of society would not suffer, and the good of the unfortunate convict and his family be greatly advanced.

I also transmit a list of remissions of fines and forfeitures, with amounts remitted during the term.[1]

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 11, 1872

From the Journal of the House of Representatives, p. 51

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, IOWA, January 11, 1872.

Gentlemen of the Senate and House of Representatives:

I have the honor to submit herewith a statement of the contingent fund of this office up to January 1st, 1872:

Balance in my hands, March 31st, 1870		$ 29.05
Amount drawn from State treasury...		1900.67
Amount expended..................	$1768.62	
Balance in my hands (paid to my successor)........................	161.10	$1929.72

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[1] For the list of Pardons, Remissions, etc., see Iowa Legislative Documents for 1872, Vol. II.

Whole amount of appropriation by the 13th General Assembly		$2000.00
Amount drawn as above from State treasury	$1900.67	
Amount undrawn	99.33	2000.00

Of the amount drawn from the treasury, $860, was expended for traveling expenses; $736 for clerk hire, and the remainder $178.62 was paid out for various contingent expenses of the office.

Vouchers for all of these items may be found on file in this department.

Samuel Merrill.

PROCLAMATIONS

OFFERING A REWARD

JANUARY 18, 1868

From MS. Copy of Executive Register, Vol. II, p. 475—in the Office of the Secretary of State, Des Moines

Whereas, John Minert, of Allamakee county, was brutally murdered on the 19th of October, 1867, and

Whereas, James H. Stafford, of the said Allamakee county, has been indicted for the aforesaid murder; but all efforts for his apprehension have hitherto failed, and he is still at large.

Now, therefore, I, Samuel Merrill, Governor of the State of Iowa, hereby offer a reward of five hundred dollars for the discovery, arrest, and delivery to the proper authorities of said county, of the aforesaid James H. Stafford.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the great seal of the State of Iowa.

Done at Des Moines, this 18th day of January, in the year of our Lord one thousand eight hundred and sixty-eight, of the State of Iowa the twenty-second, and in the independence of the United States the ninety-second.

SAMUEL MERRILL.

By the Governor,
ED WRIGHT, Secretary.

OFFERING A REWARD

JANUARY 18, 1868

From MS. Copy of Executive Register, Vol. II, p. 488—in the Office of the Secretary of State, Des Moines

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Whereas, Hugh Gallon, of Dubuque county, was murdered on the......of September, 1867, and whereas Hugh Donergan, of said Dubuque county, has been indicted for said murder, but efforts for his apprehension have hitherto failed, and he is still at large;

Now, therefore, I, Samuel Merrill, Governor of the State of Iowa, hereby offer a reward of $200 for the discovery, arrest, and delivery to the proper authorities of said county of the said Hugh Donergan.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Iowa (L. S.) to be affixed.

Done at Des Moines this 18th day of January in the year of our Lord one thousand eight hundred and sixty-eight, of the State of Iowa the twenty-second, and in the independence of the United States the ninety-second.

SAMUEL MERRILL.

By the Governor:

ED. WRIGHT, Secretary of State.

ON THE GENERAL ELECTION AND THE SUBMISSION OF AMENDMENTS TO THE CONSTITUTION

September 30, 1868

From MS. Copy of Executive Register, Vol. II, p. 523—in the Office of the Secretary of State, Des Moines

Pursuant to law, I do hereby proclaim that at the General Election to be holden throughout the State on the "Tuesday next after the first Monday of November" 1868, the following offices are to be filled by vote of all the electors of the State, to-wit:

The office of Elector of President and Vice-President of the United States, to be filled by the choice of eight Electors, two for the State at large, and one for each Congressional District.

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Register of the State Land Office.

The office of Attorney General.

In the several Congressional Districts, one Representative in Congress will be chosen by vote of the electors in each of said Districts, respectively.

In each circuit of the several Judicial Districts one Circuit Judge will be chosen by vote of the electors in said Circuit.

In the Twelfth Judicial District, one Judge of the District Court, and one District Attorney, will be chosen by vote of the electors of said Judicial District.

Also at the same time, special elections will be holden in the proper Senatorial and Representative Districts to fill the following offices:

The office of Senator from the Eighteenth Senatorial District, to fill the vacancy occasioned by the death of John R. Needham.

The office of Senator from the Twenty-Second Senatorial District to fill the vacancy occasioned by the resignation of Andrew M. Larimer.

The office of Senator from the Forty-Eighth Senatorial District to fill the vacancy occasioned by the resignation of Addison Oliver.

The office of Representative from the Twenty-Third Representative District, to fill the vacancy occasioned by the removal from the district of Edmund Mechem.

And I do further proclaim that at the said General Election certain proposed amendments to the Constitution will be submitted to the people for their approval and ratification in accordance with the provisions of Chapter 68, Laws Twelfth General Assembly, as follows, to-wit:

"1st Strike the word "white" from section one of Article two thereof.

"2d Strike the word "white" from section thirty-three of Article three thereof.

"3d Strike the word "white" from section thirty-four of Article three thereof.

"4th Strike the word "white" from section thirty-five of Article three thereof.

"5th Strike the word "white" from section one Article six thereof.

"Those electors voting to approve and ratify the first of said amendments, shall have written or printed on their ballots the words "For the first amendment." Those electors voting not to approve and ratify said first amendment, shall have written or printed on their ballots the words "Against the first amendment."

"Those electors voting to approve and ratify the second of said amendments shall have written or printed on their ballots the words "For the second amendment." Those electors voting not to approve and ratify the said second amendment shall have written or printed on their ballots the words "Against the second amendment."

"Those electors voting to approve and ratify the third of said amendments shall have written or printed on their ballots the words "For the third amendment." Those electors voting not to approve and ratify the said third amendment shall have written or printed on their ballots the words "Against the third amendment."

"Those electors voting to approve and ratify the fourth of said amendments shall have written or printed on their ballots "For the fourth amendment." Those electors voting not to approve and ratify the said fourth amendment shall have written or printed on their ballots the words "Against the fourth amendment."

Those electors voting to approve and ratify the fifth of said amendments shall have written or printed on their ballots the words "For the fifth amendment." Those electors voting not to approve and ratify the said fifth amendment shall have written or printed on their ballots the words "Against the fifth amendment."

Whereof all lawful electors of the State and the designated districts will take due notice; and whereof the Sheriffs of the counties of the State and the several districts mentioned will take official notice and be governed accordingly.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines, this thirtieth day of September, in the year of our Lord One thousand Eight Hundred and Sixty-Eight of the Independence of the United States the ninety-third and of this State the twenty-second.

(Seal)

SAMUEL MERRILL.

By the Governor,
ED WRIGHT, Secretary of State.

ON THANKSGIVING

NOVEMBER 4, 1868

From MS. Copy of Executive Journal, Vol. III, p. 627—in the Office of the Governor, Des Moines

In accordance with the usages of our fathers and the custom of the State I hereby appoint Thursday, the Twenty-Sixth of November to be observed throughout the State as a day of Thanksgiving and Praise: and I recommend to the people of Iowa that, abstaining from all secular employment upon the day appointed they assemble in their respective places of worship and give thanks to Almighty God.

That the harvests of the year have been abundant.

That our institutions, civil, political, educational, and charitable, have been enlarged and strengthened.

That law and order have prevailed enabling us to dwell together in happiness and safety.

That He has disposed the hearts of our people to deal justly and love mercy, denying the claims of liberty and equality to none of the children of God within our borders;

That in both material and spiritual things He has been the Gracious Benefactor of this State.

And in the midst of our thanksgiving to God for His many blessings, let us not forget the claims of charity, nor the injunction of Him who bade us Remember the Poor. Let us cherish the memories of those who gave their lives that our country might live and spread the tables of their widows and children with abundant gifts.

Let us humbly acknowledge that our bounties have come from the hand of the lord our God and pray that He will keep us from sin, will show and lead us in the right way and will make us a virtuous and christian State.

Given at Des Moines this fourth day of November,
in the year of our Lord one thousand eight hundred and sixty-eight, of the independence of the
(Seal)
United States the ninety-third and of this state the twenty-second.

Samuel Merrill.

By the Governor:
Ed Wright, Secretary of State

DECLARING THE VOTE ON AMENDMENTS TO THE CONSTITUTION AND PROCLAIMING THEIR ADOPTION

DECEMBER 8, 1868

From MS. Copy of Executive Register, Vol. II, p. 539,—in the Office of the Secretary of State, Des Moines

To all to whom these Presents may come, Greeting:

Know Ye, That whereas the Eleventh General Assembly of the State of Iowa passed a resolution which was approved April 2d, 1866, and which is in the words following, namely:

"Be it Resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed:

"1st. Strike the word 'white' from Section 1, of Article 2 thereof.

"2d. Strike the word 'white' from Section 33, of Article 3 thereof.

"3d. Strike the word 'white' from Section 34, of Article 3 thereof.

"4th. Strike the word 'white' from Section 35, of Article 3 thereof.

"5th. Strike the word 'white' from Section 1, of Article 6 thereof."

And Whereas, The Twelfth General Assembly of the State of Iowa passed a resolution which was approved March 31st, 1868, and which is in the words following, namely:

"Whereas, The General Assembly of the State of Iowa did in due form, by a majority of the members elected to each of the two Houses, agree to proposed amendments to the Constitution as follows:

"1st. Strike the word 'white' from Section 1, of Article 2 thereof;

"2d. Strike the word 'white' from Section 33, of Article 3, thereof;

"3d. Strike the word 'white' from Section 34, of Article 3, thereof;

"4th. Strike the word 'white' from Section 35, of Article 3, thereof;

"5th. Strike the word 'white' from Section 1, of Article 6, thereof;

and entered the same on the journals thereof, and referred the same to the legislature to be chosen at the next general election, and the same having been published, as provided by law, for three months previous to the time of making the choice of this Twelfth General Assembly; therefore,

"Be it Resolved by the General Assembly of the State of Iowa, That the said amendments aforesaid, and each of them, are hereby ratified, agreed to, and confirmed, and the same shall be submitted to the people for their approval, as this General Assembly shall provide."

And Whereas, The said Twelfth General Assembly, passed an Act, which was approved April 2, 1868, "Providing for the submission of certain proposed amendments to the Constitution of the State of Iowa to the People thereof, at the next general election thereof," and the said amendments were submitted to the people of the State of Iowa, in the manner and at the time prescribed by the terms of said act;

And whereas, an official canvass of the votes cast at the said general election shows that there were one hundred and five thousand three hundred and eighty four (105,384) votes cast for the adoption of the first of said amendments, and eighty-one thousand one hundred and nineteen (81,119) votes cast against the adoption of said first amendment, and that there were one hundred and five thousand four hundred and ninety-eight (105,498) votes cast for the adoption of the second of said amendments, and eighty-one thousand and fifty (81,050) votes against the adoption of said second amendment, and that there were one hundred and five thousand five hundred and twenty-four (105,524) votes cast for the adoption of the third of said amendments, and eighty-one thousand and thirty-eight (81,038) cast against the adoption of said third amendment, and that there were one hundred & five thousand five hundred and two (105,502) votes cast for the adoption of the fourth of said amendments, and eighty thousand nine hundred and twenty-nine (80,929) votes cast against the adoption of said fourth amendment; and that there were one hundred and five thousand five hundred and fifteen (105,515) votes cast for the adoption of the fifth of said amendments, and eighty-one thousand and fifty (81,050) votes cast against the adoption of said fifth amendment.

Now therefore, I, Samuel Merrill, Governor of the State of Iowa, by virtue of the authority vested in me, do hereby proclaim that each and all of the amendments aforesaid have become valid to all intents and purposes as part of the Constitution of the State of Iowa.

In Testimony Whereof, I have hereunto set my hand

and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines, this eighth
(L. S.) day of December, in the year of our Lord one thousand eight hundred and sixty-eight, of the Independence of the United States the ninety-third, and of the State of Iowa the twenty-second.

SAMUEL MERRILL.

By the Governor:
ED WRIGHT, Secretary of State.

OFFERING A REWARD

JUNE 17, 1869

From MS. Copy of Executive Journal, Vol. III, p. 645 — in the Office of the Governor, Des Moines

Whereas, It has been represented to me that Mrs. Marie Hagerty, and her three children, Anna Hagerty, Jerry Hagerty, and John Hagerty, disappeared from their residence in the county of Clayton, on the night of the 8th day of December, A. D. 1868; and that, subsequently, the bodies of the aforesaid Marie, Anna, and Jerry Hagerty were found in the Mississippi river under circumstances which indicate that said persons were brutally murdered by some person or persons unknown.

Now therefore, I, Samuel Merrill, Governor of the State of Iowa, hereby offer a reward of Five Hundred Dollars for the apprehension and delivery to the proper authorities, of the murderer or murderers of the aforesaid parties.

In Testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the
(L. S.) State of Iowa.

Done at Des Moines this seventeenth day of June, in the year of our Lord one thousand eight hundred and sixty-nine, of the independence of the United States of America the ninety-third, and of the State of Iowa the twenty-third.

(Signed) SAML. MERRILL.

By the Governor:
ED. WRIGHT, Secretary of State.

ON THE GENERAL AND SPECIAL ELECTIONS

SEPTEMBER 7, 1869

From MS. Copy of Executive Register, Vol. III, p. 24—in the Office of the Secretary of State, Des Moines

Pursuant to law, I Samuel Merrill Governor of the State of Iowa do hereby proclaim that at the General Election to be held on the

SECOND TUESDAY OF OCTOBER, 1869.

The following designated offices are to be filled by vote of all the electors in the State:

The Office of Governor;

The Office of Lieutenant Governor;

The Office of Judge of the Supreme Court in the place of John F. Dillon whose term of office expires December 31st, 1869;

The Office of Superintendent of Public Instruction;

Whereof all electors throughout the State will take due notice and the Sheriffs of the several counties will take official notice and be governed accordingly.

And I do further proclaim and give notice that on the said day of the General Election there will be held *Special Elections* as follows to-wit:

Throughout the State, to fill a vacancy in the office of Superintendent of Public Instruction, caused by the death of D. Franklin Wells.

In the Eighth Judicial District, to fill a vacancy in the office of District Attorney in said District, caused by the resignation of C. R. Scott.

In the Ninth Judicial District, to fill the vacancy in the office of District Attorney, in said District, caused by the resignation of M. M. Trumbull.

In the tenth Judicial District, to fill a vacancy in the office of District Attorney in said District, caused by the resignation of L. O. Hatch.

In the Fourth Senatorial District, a Senator will be chosen to fill a vacancy occasioned by the resignation of Madison M. Walden.

In the Nineteenth Senatorial District, a Senator will be chosen to fill a vacancy occasioned by the resignation of Thomas McMillan.

Whereof all Electors throughout the State and the Districts designated will take due notice and whereof the Sheriffs of the several counties of the State and of the districts interested will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand,

and caused to be affixed the *Great Seal* of the
(Seal) State of Iowa.

Done at Des Moines this seventh day of September, in the year of our Lord One Thousand Eight hundred & Sixty nine. Of the State of Iowa the twenty third, and in the independence of the United States the 94th.

SAML MERRILL.

By the Governor:
ED WRIGHT, Secretary of State.

ON THANKSGIVING

OCTOBER 30, 1869

From MS. Copy of Executive Register, Vol. III, p. 29—in the Office of the Secretary of State, Des Moines

Another year of labor and reward, of toil and triumph, of health, of prosperity, of fruitful fields, and of generous harvests approaches its termination. During its continuance pestilence has not been among us nor has famine visited the land. The nation, recovering from the lacerations of War, gives promise of a vigor more healthful than she has yet enjoyed; the burden of public debt decreases; a new channel of trade, crossing our State connects the oceans which wash the Continent; and all around us are evidences of the boundless goodness of our God. For these manifestations of His benevolence, let us praise Him and magnify His holy name. Therefore, following a memorable and praiseworthy custom, and in accordance with the recommendation of the President of the United States, I do hereby appoint

THURSDAY THE EIGHTEENTH DAY OF NOVEMBER

to be observed throughout the State as a day of Thanksgiving Prayer and Praise.

And I do earnestly invite all the people of the State, of every name and faith to abstain from their ordinary avocations on that day, and, assembling in places of public worship and in their homes to unite in offering to the Great Author of our being Thanks and adoration for his goodness towards us; and in invoking a continuance of His gracious favors: Beseeching Him that He will still bless us with abundance and prosperity and our nation with unity and peace—that He will so direct all our hearts that we may seek Him and know Him, and thus be led "into every good word and work." That vice and crime may be banished from among us—and that the hearts of our people may be moved to a kind and active remembrance of the poor and suffering — and that we may thus attain that exaltation which righteousness brings to a people.

In witness whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 30th day of October A. D. 1869, in the Twenty-third year of the State and the ninety-fourth of the Independence of the United States.

SAMUEL MERRILL.

By the Governor

ED. WRIGHT, Secy of State

OFFERING A REWARD

DECEMBER 18, 1869

From MS. Copy of Executive Register, Vol. III, p. 41—in the Office of the Secretary of State, Des Moines

Whereas I have received authentic information that sometime during the Spring of 1869 in the County of Adair the house of one O. P. Pool was destroyed by fire and the remains of said Pool were found in the ruins of said house under circumstances that warrant the suspicion that said Pool came to his death by violence at the hands of some unknown person or persons and that said house was burned in order to conceal the crime.

Now therefore I, Samuel Merrill, Governor of the State of Iowa do hereby offer a reward of —— hundred dollars for the discovery, arrest and delivery to the proper authorities of the person or persons who were engaged in committing the aforesaid crime.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 18th day of December, in the year of our Lord One Thousand Eight hundred and sixty-nine and of the State of Iowa the twenty-third and of the Independence of the United States the ninety-fourth.

(Seal)

SAMUEL MERRILL.

ON ELECTION TO FILL A VACANCY IN THE SENATE

February 23, 1870

From MS. Copy of Executive Register, Vol. III, p. 41 — in the Office of the Secretary of State, Des Moines

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Whereas the office of Senator from the Forty-fourth Senatorial District of the State has become vacant by reason of the death of R. B. Clark, Senator in the General Assembly of the State of Iowa, from said District, which event occurcurred on the seventeenth day of February instant. And whereas: The General Assembly is now convened in regular session. Therefore I Samuel Merrill, Governor of the State of Iowa in accordance with law, and by virtue of authority in me vested do hereby proclaim and direct that a

SPECIAL ELECTION

to fill such vacancy shall be held within and throughout said Forty-fourth Senatorial District composed of the counties of Bremer, Butler and Grundy on Monday the fourteenth day of March A. D. 1870. Whereof all the electors of the said Senatorial District will take due notice, and whereof the sheriffs of said Counties will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the great Seal of the State of Iowa.

Done at Des Moines this 23d day of February
(Seal) A. D. 1870 in the twenty-fourth year of the State of Iowa, and of the Independence of the United States the ninety-fourth.

By the Governor: Samuel Merrill.

Ed Wright, Secretary of State.

ON ELECTION TO FILL A VACANCY IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1870

From MS. Copy of Executive Register, Vol. III, p. 45—in the Office of the Secretary of State, Des Moines

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Whereas, The office of *Representative* in the General Assembly of the State of Iowa, from the county of Washington, composing the *Twenty-Sixth Representative District* of the State, has become vacant by reason of the death of *Abijah Conner*, *Representative* elect from said District in the General Assembly, which event occurred on the *Seventh* (*7th*) *day of March A. D. 1870;* and

Whereas, The General Assembly is now convened in regular session:

Therefore, *I*, *Samuel Merrill*, *Governor of the State of Iowa*, in accordance with law, and by virtue of authority in me vested, do hereby proclaim and direct that a

SPECIAL ELECTION

To fill such vacancy, shall be held within and throughout said *Twenty-Sixth Representative District*, on

MONDAY, MARCH 28, 1870

whereof all the Electors of said District will take due notice, and whereof the *Sheriff* of said county of Washington will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines, this 12th day of March A. D. 1870, in the twenty-fourth year of the State of Iowa, and of the Independence of the United States the ninety-fourth.

(L. S.)

ED WRIGHT, Secretary of State. SAML MERRILL.

ON THE GENERAL AND SPECIAL ELECTIONS

SEPTEMBER 10, 1870

From MS. Copy of Executive Register, Vol. III, p. 59—in the Office of the Secretary of State, Des Moines

Pursuant to law I, Samuel Merrill, Governor of the State of Iowa, do hereby proclaim, that at the General Election to be held on the "second Tuesday of October A. D. 1870" the offices hereinafter designated are to be filled by vote of all the electors of the State and of the several districts named, to-wit:

BY VOTE OF ALL THE ELECTORS OF THE STATE.

The office of Judge of the Supreme Court, now filled by Chester C. Cole, whose term of office will expire Dec. 31st 1870.

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Register of the State Land Office.

The office of Attorney General.

The office of Reporter of the Decisions of the Supreme Court.

The office of Clerk of the Supreme Court, whose terms of office will severally expire Jany. 1st, 1871.

By vote of the Electors of each of the several Congressional Districts: "The office of Representative in Congress the terms of office of the present representatives expiring March 3d, 1871.

By vote of the Electors of each of the several Judicial Districts, except the twelfth:

The office of District Judge; the terms of office of the present Judges expiring December 31st, 1870.

The office of District Attorney; the terms of the present occupants of said office expiring January 1st, 1871.

I do further proclaim that at said General Election there will be and hereby is submitted to the people, the question, "Shall there be a convention to revise the Constitution and amend the same?" in accordance with the provisions of the Constitution and of Chapter 168 of the Acts of the Thirteenth General Assembly. Those electors voting in favor of the question, shall have written or printed on their ballots the words "For a convention to revise the Constitution and amend the same;" those electors voting against the question submitted shall have written or printed on their ballots, the words, "Against a convention to revise the Constitution and amend the same."

Whereof, all electors of the State and of the several districts will take due notice; and whereof the Sheriffs of the several counties of the State and the several districts mentioned will take official notice and be governed accordingly. And I do further proclaim and give notice that on the day of the said General Election there will be held

SPECIAL ELECTIONS

to fill the offices hereinafter designated, to-wit:

Throughout the State—The office of Judge of the Supreme Court, to fill a vacancy occasioned by the declension of John F. Dillon.

The office of Judge of the Supreme Court, to fill a vacany occasioned by the resignation of Geo. G. Wright.

In the first Judicial District—The office of District Judge, to fill the vacancy occasioned by the resignation of Francis Springer.

The office of District Attorney, to fill the vacancy occasioned by the resignation of Joshua Tracy.

In the Third Judicial District—The office of District Judge, to fill the vacancy occasioned by the resignation of James G. Day.

In the Second Circuit of the Third Judicial District—The office of Circuit Judge, to fill the vacancy occasioned by the resignation of James W. McDill.

In the first circuit of the Fourth Judicial District—The office of Circuit Judge to fill the vacancy occasioned by the resignation of Addison Oliver.

In the Fifth Judicial District—The office of District Attorney, to fill the vacancy occasioned by the resignation of Samuel D. Nichols.

In the second circuit of the Sixth Judicial District—The office of Circuit Judge, to fill the vacancy occasioned by the resignation of Horace S. Winslow.

In the Twelfth Judicial District—The office of District Judge, to fill the vacancy occasioned by the resignation of Wm. B. Fairfield.

In the County of Lucas (Twelfth Representative District)—The office of Representative in the General Assembly, from the Twelfth Representative district, to fill the vacancy occasioned by the resignation of Abraham Stutsman.

Whereof all electors of the State, and of the designated districts and of the said County of Lucas will take due notice; and whereof the Sheriffs of the several counties of the State, and of the districts specified and said county of Lucas, will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the
(L. S.) State of Iowa.

Done at Des Moines this tenth day of September A. D. 1870, in the Ninety-fith year of the Independence of the United States and in the twenty-fourth of the State of Iowa.

SAML MERRILL.

By the Governor:
ED WRIGHT, Secy. of State.

ON ELECTION TO FILL A VACANCY IN CONGRESS

OCTOBER 1, 1870

From MS. Copy of Executive Register, Vol. III, p. 64—in the Office of the Secretary of State, Des Moines

Whereas; The office of Representative in Congress from the second Congressional District of the State of Iowa has become vacant by reason of the death of William Smyth, Representative in Congress from said district, which event occurred on the 30th day of September.

Now therefore, I, Samuel Merrill Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby proclaim and direct that a special election to fill such vacancy shall be held within and throughout said second Congressional District on

TUESDAY, THE ELEVENTH DAY OF OCTOBER

A. D. 1870, being the day of the General Election.

Whereof the electors of said Congressional District will take due notice, and whereof the Sheriffs of the several Counties in said Congressional District will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

(L. S.)

Done at Des Moines this first day of October A. D. 1870, in the twenty-fourth year of the State of Iowa and of the Independence of the United States the ninety-fifth.

Attest: SAML MERRILL.

ED WRIGHT, Secretary of State.

ON THANKSGIVING

NOVEMBER 2, 1870

From MS. Copy of Executive Register, Vol. III, p. 70—in the Office of the Secretary of State, Des Moines

As the year draws to a close we are reminded of the praiseworthy custom of our fathers, of setting apart a day of special thanksgiving and praise to Almighty God, the great and bountiful Giver of every good and perfect gift. Honoring that venerable custom and in pursuance of the recommendation of the National Chief Magistrate I designate

THURSDAY, THE 24TH DAY OF NOVEMBER

as thanksgiving day, and exhort the people of Iowa to abstain on that day from all secular toil, and with grateful hearts and holy reverence, assemble themselves, together at their several places of worship, to recount God's dealings with them during the years gone by and with the voice of melody praise His holy name.

The citizens of the growing and progressive State of Iowa, have especial cause for gratitude to God that their lines have fallen them in such goodly and pleasant places. With an extent and territory sufficient of itself to be the abode of a mighty nation, an invigorating and healthful climate, a soil of unsurpassed fertility and every natural advantage that can contribute to the material comfort and prosperity of a commonwealth, it is but a becoming acknowledgment to our Heavenly Father for all the people to say "The earth is the Lord's and the fullness thereof, The silver is his and the gold is his and so are the cattle on a thousand hills." In reviewing the year we shall find occasion for gratitude in the plentiful harvests with which our fields have been ladened; in the fact that our channels of trade and commerce have been greatly multiplied and enlarged, for the awakened interest which pervades all portions of the State on the subject of popular education, and for the growth and increased facilities of all our higher institutions of learning. Above all let us rejoice and give thanks on that day for the unspeakable gift of an open Bible and a free Gospel, wherein as a people we find, at last, the adequate source and reason for all our material greatness and prosperity, and wherein more especially we may find eternal life. Praise is comely, but acts of beneficence are the more fitting oblations of a grateful heart. Let us then while thanking God for our many blessings and comforts cherish a tender thought for the poor and unfortunate and attest our gratitude by relieving the misery and supplying the wants of the destitute.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the (L. S.) State of Iowa.

Done at Des Moines this second day of November in the year of our Lord One thousand eight hundred and seventy, of the Independence of the United States the ninety-fifth and of this State the twenty-fourth.

SAML MERRILL.

By the Governor:
ED WRIGHT, Secretary of State.

OFFERING A REWARD

MARCH 8, 1871

From MS. Copy of Executive Register, Vol. III, p. 86—in the Office of the Secretary of State, Des Moines

Whereas, It has been represented to me that on or about the 30th day of December 1870, one *Edward Kenneda,* a citizen of Delaware County, Iowa, was brutally murdered in his own house.

And Whereas; It is believed said murder was committed by one *John P. Duncan.*

And Whereas: Diligent search has been made for said Duncan but thus far without success and he is still at large.

Now Therefore, I, Samuel Merrill Governor of the State of Iowa hereby offer a reward of *Five Hundred Dollars* for the discovery, arrest and delivery to the proper authorities of said County, of the aforesaid John P. Duncan.

In testimony whereof I have hereunto set my hand
and caused to be affixed the Great Seal of the
(L. S.) State of Iowa.

Done at Des Moines this eighth day of March
A. D. 1871.

SAML MERRILL.

By the Governor,
ED WRIGHT, Secretary of State.

ON THE GENERAL AND SPECIAL ELECTIONS

SEPTEMBER 8, 1871

From MS. Copy of Executive Register, Vol. III, p. 105—in the Office of the Secretary of State, Des Moines

Pursuant to law I Samuel Merrill Governor of the State of Iowa do hereby proclaim that at the General Election to be held on the Second Tuesday of October, 1871 The following designated offices are to be filled by vote of all the electors in the State.

The office of Governor.

The office of Lieutenant Governor.

The office of Judge of the Supreme Court to fill a vacancy occasioned by the expiration of the term of James G. Day which will occur December 31, 1871.

The office of Superintendent of Public Instruction.

Whereof all the electors throughout the State will take due notice and the Sheriffs of the several counties will take official notice and be governed accordingly.

And I do further proclaim and give notice that on the day of said general election the offices named below will be filled by vote of the electors of the several districts and circuits mentioned respectively.

The office of District Attorney of the Fifth Judicial District to fill a vacancy occasioned by the resignation of C. H. Gatch.

The office of Circuit Judge in and for the first circuit of the Eighth Judicial District, to fill a vacancy occasioned by the resignation of Wm. E. Miller.

The office of Circuit Judge in and for the first circuit of the Twelfth Judicial District, to fill a vacancy occasioned by the resignation of Geo. W. Ruddick.

The office of Senator in the General Assembly from the Thirteenth Senatorial District to fill a vacancy caused by the resignation of Augustus H. Hamilton.

The office of Senator in the General Assembly from the Thirty-fifth Senatorial District to fill a vacancy caused by the death of M. B. Mulkern.

The office of Senator in the General Assembly from the Thirty-eighth Senatorial District to fill a vacancy caused by the resignation of Geo. W. Couch.

The office of Senator in the General Assembly from the Forty-second Senatorial District to fill a vacancy caused by the resignation of Henry C. Bulis.

The office of Senator in the General Assembly from the Forty-fourth Senatorial District to fill a vacancy caused by the resignation of Emmons Johnson.

Whereof all electors throughout the Districts and circuits designated will take due notice and whereof the Sheriffs of the several counties therein will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Iowa.

Done at Des Moines this eighth day of September in the year of our Lord One Thousand Eight hundred and seventy-one of the State of Iowa the twenty-fifth and of the independence of the United States the ninety-sixth.

SAMUEL MERRILL.

By the Governor,
ED WRIGHT, Secretary of State.

OFFERING A REWARD

OCTOBER 29, 1871

From MS. Copy of Executive Register, Vol. III, p. 69—in the Office of the Secretary of State, Des Moines

Whereas on the night of the 15th day of October instant William W. Lyon a prisoner confined in the jail of Wayne county at Corydon was forcibly taken therefrom by a number of persons in violation of law, and by them murdered by hanging,

Now therefore I, Samuel Merrill, Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby offer a reward of Five Hundred Dollars for the arrest of the perpetrators of such crime and their delivery to the proper authorities for punishment.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa at Des Moines this 29th day of October A. D. 1871.

SAML MERRILL.

By the Governor
ED WRIGHT, Secretary of State.

ON THANKSGIVING

NOVEMBER 8, 1871

From MS. Copy of Executive Journal, Vol. IV. A, p. 297—in the Office of the Governor, Des Moines

To the People of the State of Iowa:

Another year has passed, with its recorded trials, victories, rewards, punishments, & blessings. As we review them how manifest are the reasons for thankfulness & praise to God for His wonderful goodness to us.

Therefore, and in accordance with the recommendation of the President of the United States, I, Samuel Merrill, Governor of the State of Iowa, do call upon the people of the State to observe the

THIRTIETH DAY OF NOVEMBER, INSTANT,

as a day of Thanksgiving to Almighty God for the blessings he has conferred upon us. He has bountifully rewarded the husbandman in his labors, and has given us great prosperity as a commonwealth. While the people of our sister

States have suffered from the devastations of fearful & almost unprecedented fires, let us return thanks that our people have been spared such calamity, and that we are enabled, through the bounty of the Great Giver of all Good, from our abundance to contribute to the relief of the suffering and needy; and while we offer our prayers, and praises for the happiness which we enjoy, let us not forget those whom sorrow & calamity have rendered deserving of our sympathy & aid.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed, this 8th day of November, A. D. 1871.

SAM MERRILL, Governor.

By the Governor:

ED WRIGHT, Secretary of State.

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